

SENATE.

TUESDAY, February 7, 1911.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. WARREN, and by unanimous consent, the further reading was dispensed with, and the Journal was approved.

SENATOR FROM MICHIGAN.

Mr. BURROWS presented the credentials of CHARLES E. TOWNSEND, chosen by the Legislature of the State of Michigan a Senator from that State for the term beginning March 4, 1911, which were read and ordered to be filed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by W. J. Browning, its Chief Clerk, announced that the House had passed the following bills and joint resolution:

S. 6386. An act to diminish the expense of proceedings on appeal and writ of error or of certiorari;

S. 6693. An act to amend an act entitled "An act permitting the building of a dam across the Mississippi River at or near the village of Sauk Rapids, Benton County, Minn.," approved February 26, 1904;

S. 8592. An act to authorize the construction of a bridge across the Missouri River between Lyman County and Brule County, in the State of South Dakota;

S. 9405. An act to amend section 5 of the act of Congress of June 25, 1910, entitled "An act to authorize advances to the reclamation fund, and for the issue and disposal of certificates of indebtedness in reimbursement therefor," and for other purposes; and

S. J. Res. 101. Joint resolution providing for the printing of 2,000 copies of Senate Document No. 357, for use of the Department of State.

The message also announced that the House had passed, with amendments, the following bills and joint resolution, in which it requested the concurrence of the Senate:

S. 4239. An act to amend section 183 of the Revised Statutes;

S. 6011. An act to provide for the lading or unlading of vessels at night, the preliminary entry of vessels, and for other purposes;

S. 6842. An act to authorize the Secretary of the Interior to withdraw public notices issued under section 4 of the reclamation act, and for other purposes;

S. 8916. An act extending the time for certain homesteaders to establish residence upon their lands;

S. 9552. An act to authorize the construction of a bridge across St. Johns River, Me.; and

S. J. Res. 133. Joint resolution providing for the filling of a vacancy to occur on January 23, 1911, in the Board of Regents of the Smithsonian Institution of the class other than Members of Congress.

The message further announced that the House had passed the following bills and joint resolutions, in which it requested the concurrence of the Senate:

H. R. 23361. An act authorizing the Hot Springs Lodge, No. 62, Ancient Free and Accepted Masons, under the jurisdiction of the Grand Lodge of Arkansas, to occupy and construct buildings for the use of the organization on lots Nos. 1 and 2, in block No. 114, in the city of Hot Springs, Ark.;

H. R. 23827. An act extending the provisions of section 4 of the act of August 18, 1894, and acts amendatory thereto, to the Fort Bridger abandoned military reservation in Wyoming;

H. R. 26655. An act to prevent the disclosure of national-defense secrets;

H. R. 26685. An act to authorize E. J. Bomer and S. B. Wilson to construct and operate an electric railway over the National Cemetery Road at Vicksburg, Miss.;

H. R. 27837. An act to amend the provisions of the act of March 3, 1885, limiting the compensation of storekeepers, gaugers, and storekeeper-gaugers in certain cases to \$2 a day, and for other purposes;

H. R. 28214. An act providing for the levy of taxes by the taxing officers of the Territory of Arizona, and for other purposes;

H. R. 28215. An act to fix the time for holding the circuit and district courts for the northern district of West Virginia;

H. R. 29715. An act to extend the time for commencing and completing bridges and approaches thereto across the Waccamaw River, S. C.;

H. R. 29857. An act to amend section 3287 of the Revised Statutes of the United States as amended by section 6 of chap-

ter 108 of an act approved May 28, 1880, page 145, volume 21, United States Statutes at Large;

H. R. 30149. An act to transfer the military reservation known as Fort Trumbull, situated at New London, Conn., from the War Department to the Treasury Department, for the use of the Revenue-Cutter Service;

H. R. 30281. An act to provide for the entry under bond of exhibits of arts, sciences, and industries;

H. R. 30793. An act to authorize the Fargo & Moorhead Street Railway Co. to construct a bridge across the Red River of the North;

H. R. 30889. An act to amend the irrigation law;

H. R. 30890. An act to authorize the Chicago Great Western Railroad Co., a corporation, to construct a bridge across the Mississippi River at St. Paul, Minn.;

H. R. 30899. An act to authorize the Great Western Land Co. of Missouri to construct a bridge across Black River;

H. R. 31063. An act permitting chief office deputy United States marshals to act as disbursing officers for their principals in cases of emergency;

H. R. 31066. An act to authorize the Secretary of Commerce and Labor to purchase certain lands for lighthouse purposes;

H. R. 31068. An act to modify and amend the mining laws in their application to the Territory of Alaska, and for other purposes;

H. R. 31165. An act to regulate procedure in United States courts in certain cases;

H. R. 31166. An act to authorize the Secretary of Commerce and Labor to exchange a certain right of way;

H. R. 31171. An act to amend an act entitled "An act to authorize the construction of a bridge across the Monongahela River, in the State of Pennsylvania, by the Liberty Bridge Co.," approved March 2, 1907;

H. R. 31239. An act to authorize Park C. Abell, George B. Lloyd, and Andrew B. Sullivan, of Indianhead, Charles County, Md., to construct a bridge across Mattawoman Creek near the village of Indianhead, Md.;

H. R. 31534. An act to amend section 1 of the act of May 30, 1908, entitled "An act granting to certain employees of the United States the right to receive from it compensation for injuries sustained in the course of their employment;"

H. R. 31657. An act to authorize United States marshals and their respective chief office deputies to administer certain oaths;

H. R. 31661. An act to authorize the Secretary of Commerce and Labor to transfer the lighthouse tender *Wistaria* to the Secretary of the Treasury;

H. R. 31859. An act to authorize the Chucawala Development Co. to build a dam across the Colorado River at or near the mouth of Pyramid Canyon, Ariz.; also a division intake dam at or near Black Point, Ariz., and Blythe, Cal.;

H. R. 31922. An act to authorize the Virginia Iron, Coal & Coke Co. to build a dam across the New River near Foster Falls, Wythe County, Va.;

H. R. 31925. An act authorizing the building of a dam across the Savannah River at Cherokee Shoals;

H. R. 31926. An act permitting the building of a dam across Rock River near Byron, Ill.;

H. R. 31927. An act authorizing the town of Blackberry to construct a bridge across the Mississippi River in Itasca County, Minn.;

H. R. 31931. An act authorizing the Ivanhoe Furnace Corporation, of Ivanhoe, Wythe County, Va., to erect a dam across New River;

H. R. 32004. An act providing for the quadrennial election of members of the Philippine Assembly and Resident Commissioners to the United States, and for other purposes;

H. R. 32222. An act authorizing homestead entries on certain lands formerly a part of the Red Lake Indian Reservation, in the State of Minnesota;

H. J. Res. 143. Joint resolution in reference to the employment of enlisted men in competition with local civilians; and

H. J. Res. 248. Joint resolution amending section 32 of the act of Congress approved July 2, 1909, providing for the Thirtieth and subsequent decennial censuses.

The message also requested the Senate to furnish the House with a duplicate engrossed copy of the bill (S. 7971) for the allowance of certain claims reported by the Court of Claims, and for other purposes, the original having been lost.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolutions:

S. 1028. An act to appoint Warren C. Beach a captain in the Army and place him on the retired list;
 S. 1318. An act for the relief of Arthur H. Barnes;
 S. 2429. An act for the relief of the estate of James Mitchell, deceased;
 S. 3097. An act for the relief of Douglas C. McDougal;
 S. 3494. An act for the relief of Edward Forbes Greene;
 S. 3897. An act for the relief of the heirs of Charles F. Atwood and Ziba H. Nickerson;
 S. 4780. An act for the relief of the heirs of George A. Armstrong;
 S. 5873. An act for the relief of John M. Blankenship;
 S. 6386. An act to diminish the expense of proceedings on appeal and writ of error or of certiorari;
 S. 6693. An act to amend an act entitled "An act permitting the building of a dam across the Mississippi River at or near the village of Sauk Rapids, Benton County, Minn.," approved February 26, 1904;
 S. 7138. An act granting to the town of Wilsoncreek, Wash., certain lands for reservoir purposes;
 S. 7901. An act providing for the restoration and retirement of Frederick W. Olcott as a passed assistant surgeon in the Navy;
 S. 8353. An act for the relief of S. S. Somerville;
 S. 8583. An act for the relief of Malcolm Gillis;
 S. 8592. An act to authorize the construction of a bridge across the Missouri River between Lyman County and Brule County, in the State of South Dakota;
 S. 10288. An act granting to Herman L. Hartenstein the right to construct a dam across the St. Joseph River near Mottville, St. Joseph County, Mich.;
 S. 10324. An act extending the provisions of the act approved March 10, 1908, entitled "An act to authorize A. J. Smith and his associates to erect a dam across the Choctawhatchee River in Dale County, Ala.;"
 S. J. Res. 94. Joint resolution authorizing the President to give certain former cadets of the United States Military Academy the benefit of a recent amendment of the law relative to hazing at that institution; and
 S. J. Res. 101. Joint resolution providing for the printing of 2,000 copies of Senate Document No. 357, for use of the Department of State.

USELESS PAPERS IN THE WAR DEPARTMENT.

The VICE PRESIDENT. The Chair lays before the Senate a communication from the Secretary of War, transmitting, pursuant to law, a list of papers in the several bureaus of the War Department not needed or useful in the transaction of current business. The communication and accompanying papers will be referred to the Select Committee on the Disposition of Useless Papers in the Executive Departments, and the Chair appoints the Senator from Arkansas [Mr. CLARKE] and the Senator from New Hampshire [Mr. GALLINGER] members of the committee on the part of the Senate. The Secretary will notify the House of the appointment thereof.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a petition of the Massachusetts State Federation of Women's Clubs, praying for the enactment of legislation providing for the preservation of the forest reservations at the headwaters of navigable streams, which was ordered to lie on the table.

He also presented a memorial of the Congress of the Knights of Labor, remonstrating against the ratification of the proposed reciprocity agreement with Canada, which was referred to the Committee on Foreign Relations.

He also presented a petition of Live Oak Camp, No. 1720, Woodmen of the World, of Brazos, Tex., praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mail as second-class matter, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of Harris Elson Post, No. 728, Grand Army of the Republic, Department of Ohio, of Magnolia, Ohio, praying for the passage of the so-called old-age pension bill, which was referred to the Committee on Pensions.

He also presented memorials of sundry citizens of Stanton, Mich.; Waupaca County, Wis.; Lincoln, N. Dak.; and Coshocton, Ohio, remonstrating against the adoption of the proposed amendment to the Constitution recognizing the Deity, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Kansas, Michigan, Missouri, Idaho, North Carolina, Minnesota, Arizona, Indiana, Ohio, Oregon, Montana, Wisconsin, Illinois, Colorado, Iowa, Pennsylvania, Arkansas, Georgia, New Mexico, Washington, South Dakota, California, Tennessee, Kentucky, Texas, and Oklahoma, remonstrating against the passage of the so-

called rural parcels-post bill, which were ordered to lie on the table.

Mr. McCUMBER. I present a telegram, in the nature of a memorial, which I ask may be read and referred to the Committee on Foreign Relations.

There being no objection, the telegram was read and referred to the Committee on Foreign Relations, as follows:

FARGO, N. DAK., February 6-7, 1911.

Hon. P. J. McCUMBER, Washington, D. C.:

The honorables P. J. McCUMBER, A. J. GRONNA, L. B. HANNA, and H. T. Helgeson: At a meeting of the Commercial Club, convened this date, a resolution was passed strongly condemning the proposed ratification of the reciprocity agreement with Canada, believing as we do that such an agreement would work a great injustice to the great Northwest in the reduction of the market values of all of its cereal products and the consequent lowering of land values. Further, we consider it a rank and unfair discrimination and a betrayal of the agricultural interests of all grain-growing sections. We earnestly request that each of you do all in your power to prevent the ratification of the proposed agreement.

J. P. HARDY, President.

C. G. BAERNSTEIN, Secretary.

Mr. GRONNA. I present a resolution adopted by the Farmers' Club of Barnes County, N. Dak., which I ask may be read and referred to the Committee on Foreign Relations.

There being no objection, the resolution was read and referred to the Committee on Foreign Relations, as follows:

ONE HUNDRED DOLLARS AN ACRE
 FARMERS' CLUB OF BARNES COUNTY,
 Valley City, N. Dak., January 30, 1911.

To the Hon. A. J. GRONNA,
 Washington, D. C.

Whereas the farmers of the Northwestern States are compelled to pay on the basis of a high tariff for all they consume; and

Whereas the proposed reciprocity agreement with Canada will remove the small measure of protection now in force on their wheat, flax, oats, and barley: Now, therefore, be it

Resolved, That we, the One Hundred Dollar an Acre Club of Barnes County, N. Dak., most earnestly protest against the confirmation of this agreement in so far as it refers to the principal products of North Dakota—wheat, flax, oats, and barley.

And we urge upon you, A. J. GRONNA, our Representative, the necessity of preserving for the farmers of the Northwest such a measure of protection as will enable them to pay for the protected machinery, clothing, sugar, etc., which they consume.

G. D. JONES, Chairman,
 (And six others).

Mr. GRONNA presented a petition of sundry stockholders of the United Wireless Telegraph Co., of Cooperstown, N. Dak., praying for an investigation of the affairs of all wireless telegraph companies in the country, which was referred to the Committee on Naval Affairs.

He also presented a memorial of the National Grange, Patrons of Husbandry, remonstrating against the ratification of the proposed reciprocity agreement with Canada, which was referred to the Committee on Foreign Relations.

Mr. CULLOM presented a petition of sundry citizens of Edwardsville, Ill., praying for the passage of the so-called old-age pension bill, which was referred to the Committee on Pensions.

He also presented a petition of Local Union No. 706, Brotherhood of Railroad Trainmen, of East St. Louis, Ill., praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mail as second-class matter, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of Local Union No. 13093, American Federation of Labor, of Chicago, Ill., and a petition of the Trades and Labor Assembly of Canton, Ill., praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

Mr. OVERMAN presented petitions of Local Councils Nos. 90, 198, 303, 258, 8413, 60, 4, 75, 82, 229, 28, and 6, Junior Order United American Mechanics; of Local Union No. 8413, American Federation of Labor; and of Local Camps Nos. 28, 24, 34, 20, 2, 43, 13, 3, and 21, Patriotic Sons of America, all in the State of North Carolina, praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

He also presented a memorial of the North Carolina Branch, Society Colonial Dames of America, remonstrating against the establishment of a reformatory on the Belvoir tract, near Mount Vernon, Va., which was referred to the Committee on the District of Columbia.

Mr. BROWN presented a petition of Local Union No. 100, Brotherhood of Painters, Decorators, and Paperhangers, of Omaha, Neb., praying for the repeal of the present oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of sundry citizens of Exeter, Neb., praying for the passage of the so-called old-age pension bill, which was referred to the Committee on Pensions.

He also presented a petition of the Central Labor Union of Lincoln, Nebr., praying for the enactment of legislation to further restrict immigration, which was referred to the Committee on Immigration.

He also presented a petition of Roosevelt Camp, No. 243, Woodmen of the World, of Kearney, Nebr., and a petition of Ideal Lodge, No. 253, Modern Brotherhood of America, of Ansley, Nebr., praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mail as second-class matter, which were referred to the Committee on Post Offices and Post Roads.

Mr. DU PONT presented petitions of Local Council of Townsend; of May Dell Council, of Delmar; of Local Council of Roxana; of Diligent Council, of Wilmington; and of Local Council of Camden, all of the Junior Order United American Mechanics, in the State of Delaware, praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

Mr. BURROWS presented petitions of sundry citizens of Kalkaska and Lenawee Counties, in the State of Michigan, praying for the passage of the so-called parcels-post bill, which were referred to the Committee on Post Offices and Post Roads.

He also presented memorials of sundry citizens of Hermansville, Olivet, Fremont, and Jackson, all in the State of Michigan, remonstrating against the passage of the so-called parcels-post bill, which were referred to the Committee on Post Offices and Post Roads.

He also presented petitions of the Grand Army Posts at Traverse City, Greenville, Big Rapids, South Haven, and Bronson, all of the Department of Michigan, praying for the passage of the so-called old-age pension bill, which were referred to the Committee on Pensions.

He also presented a petition of the Muskegon County Horticultural Society, of Muskegon, Mich., praying that New Orleans, La., be selected as the site for holding the proposed Panama Canal Exposition, which was referred to the Committee on Industrial Expositions.

He also presented a petition of the Employers' Association of Detroit, Mich., praying for the establishment of a permanent tariff board, which was referred to the Committee on Finance.

He also presented a memorial of the Society of the Daughters of the American Revolution of Detroit, Mich., and a memorial of the vice regent for Michigan, Mount Vernon Ladies' Association, remonstrating against the establishment of a reformatory on the Belvoir tract, near Mount Vernon, Va., which were referred to the Committee on the District of Columbia.

He also presented memorials of sundry citizens of Sault Ste. Marie and Springport, in the State of Michigan, remonstrating against the enactment of legislation to prohibit the printing of certain matter on stamped envelopes, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Saginaw Valley Ben Franklin Club, of Saginaw, Mich., praying for the enactment of legislation to prohibit the printing of certain matter on stamped envelopes, which was referred to the Committee on Post Offices and Post Roads.

He also presented petitions of sundry citizens of Saginaw, Traverse City, Battle Creek, Ann Arbor, Kalamazoo, Lansing, and Detroit, all in the State of Michigan, praying for the repeal of the present oleomargarine law, which were referred to the Committee on Agriculture and Forestry.

He also presented petitions of sundry citizens of Detroit, Saginaw, Marcellus, Traverse City, and Muskegon, all in the State of Michigan, praying that an investigation be made into the condition of dairy products for the prevention and spread of tuberculosis, which were referred to the Committee on Agriculture and Forestry.

He also presented a petition of Local Branch, Association of Collegiate Alumnae, of Ann Arbor, Mich., praying for the enactment of legislation providing for the establishment of a national forest in the Southern Appalachian and White Mountain region, which was ordered to lie on the table.

He also presented a petition of the Chamber of Commerce of Jackson, Mich., praying for the enactment of legislation providing for the erection of embassies for the accommodation of American representatives abroad, which was referred to the Committee on Foreign Relations.

He also presented a memorial of the Michigan State Teachers' Association, remonstrating against the enactment of legislation extending to the District of Columbia the benefit of the so-called Morrill Acts, which was referred to the Committee on the District of Columbia.

He also presented petitions of sundry citizens of Saline, Scotts, Lapeer, Union City, Kalamazoo, Cooper, and Whitehall, all in the State of Michigan, praying for the enactment of legislation

to prohibit the interstate transportation of intoxicating liquors in prohibition districts, which were referred to the Committee on the Judiciary.

Mr. WETMORE presented a petition of Local Council No. 13, Junior Order United American Mechanics, of Shannock, R. I., praying for the enactment of legislation to further restrict immigration, which was referred to the Committee on Immigration.

He also presented a petition of Babbitt Post, No. 15, Grand Army of the Republic, Department of Rhode Island, of Bristol, R. I., praying for the passage of the so-called old-age pension bill, which was referred to the Committee on Pensions.

Mr. BURNHAM presented petitions of Grand Army Posts No. 57, of Colebrook, and No. 15, of South Lyndeboro, Department of New Hampshire, praying for the passage of the so-called old-age pension bill, which were referred to the Committee on Pensions.

He also presented a petition of the Progressive Republican Club, ward 3, of Keene, N. H., praying for the ratification of the proposed reciprocity agreement with Canada, which was referred to the Committee on Foreign Relations.

Mr. KEAN presented the petition of Wallace J. Pearce, of Plainfield, N. J., praying for the enactment of legislation providing for the preservation of forest reservations at the headwaters of navigable streams, which was ordered to lie on the table.

He also presented a petition of the Pattern Makers' Association, of Trenton, N. J., praying for the construction of the battleship *New York* in a Government navy yard, which was referred to the Committee on Naval Affairs.

He also presented the petition of Rev. W. W. Case, of Trenton, N. J., and a petition of Zabriskie Post, No. 38, Department of New Jersey, Grand Army of the Republic, of Jersey City, N. J., praying for the passage of the so-called old-age pension bill, which were referred to the Committee on Pensions.

He also presented petitions of Washington Camp No. 12, of Milford; Washington Camp No. 1, of Lambertville; and Washington Camp No. 6, of Trenton, all of the Patriotic Order Sons of America, and of Local Union No. 542, United Brotherhood of Carpenters and Joiners, of Salem, all in the State of New Jersey, praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

Mr. BRANDEGEE presented a petition of the Norwalk Hat Makers' Association, No. 15, of South Norwalk, Conn., praying that the battleship *New York* be constructed in a Government navy yard, which was referred to the Committee on Naval Affairs.

He also presented a petition of Chamberlain Council, Junior Order United American Mechanics, of New Britain, Conn., praying for the enactment of legislation to further restrict immigration, which was referred to the Committee on Immigration.

Mr. SHIVELY presented a petition of Lawton-Wayne Post, No. 271, Grand Army of the Republic, Department of Indiana, of Fort Wayne, Ind., praying for the passage of the so-called old-age pension bill, which was referred to the Committee on Pensions.

He also presented petitions of Local Councils Nos. 31, 56, and 70, Junior Order United American Mechanics, and of the Trades and Labor Council, all of Kokomo, in the State of Indiana, praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

Mr. NELSON presented a memorial of the Commercial Club of Benson, Minn., remonstrating against the passage of the so-called rural parcels-post bill, which was ordered to lie on the table.

Mr. FLINT presented petitions of sundry members of the Junior Order United American Mechanics, of San Francisco, Petaluma, Riverside, Stockton, Visalia, Oakland, and Fresno, all in the State of California, praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

Mr. RAYNER presented petitions of Washington Camps No. 69, of Hamilton; No. 59, of Port Deposit; No. 87, of Carrollton; No. 27, of Baltimore; No. 45, of Baltimore; and No. 57, of Elkton, all of the Patriotic Order Sons of America, and of Local Council of Hampstead and Pride of Potomac Council, of Cumberland, of the Junior Order United American Mechanics, all in the State of Maryland, praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

He also presented a memorial of the Federation of Labor of Baltimore, Md., remonstrating against the repeal of the present

law relative to the printing of Government securities, which was referred to the Committee on Printing.

Mr. DICK presented a memorial of the National Grange, Patrons of Husbandry, remonstrating against the ratification of the proposed reciprocity agreement with Canada, which was referred to the Committee on Foreign Relations.

He also presented a petition of the congregation of the North Congregational Church, of Columbus, Ohio, praying for the enactment of legislation to prohibit the transmission of race-gambling bets, etc., which was referred to the Committee on the Judiciary.

He also presented a memorial of 44 ex-Federal soldiers, remonstrating against the proposed consolidation of the pension agencies at the city of Washington, D. C., which was referred to the Committee on Pensions.

He also presented petitions of sundry members of the Junior Order United American Mechanics of Attica, Columbus, Sidney, Miami, East Sparta, Coshocton, Hamilton, Canton, Findlay, Marietta, Wooster, Higginsport, Massillon, Elwood Place, Sandyville, London, Gettysburg, New Moorefield, Ironton, Good Hope, Kent, Russellville, New London, Cincinnati, Dayton, and Toledo, all in the State of Ohio, praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

Mr. PILES. I present a joint memorial of the Legislature of the State of Washington, which I ask may be printed in the Record and referred to the Committee on Immigration.

There being no objection, the memorial was referred to the Committee on Immigration and ordered to be printed in the Record, as follows:

House joint memorial 2.

To the honorable Senate and House of Representatives of the United States:

Your memorialists, the Senate and House of Representatives of the State of Washington, respectfully petition that—

Whereas during the year ending June 30, 1910, Government statistics show that more than 1,000,000 aliens landed in the United States, of which number more than 600,000 came from southern and eastern Europe and western Asia, the most undesirable immigrants known; and

Whereas the effect of this alien deluge is to depress the wages and destroy the employment of thousands of American workmen: Therefore be it

Resolved by the house and senate of the State of Washington, That the Congress of the United States be requested to pass such restrictive legislation as will put a stop to this enormous influx of the most undesirable foreigners, whose presence tends to destroy American standards of living; and be it further

Resolved, That a copy of this resolution be forthwith transmitted to each Senator and Congressman from the State of Washington for their use in endeavoring to secure the passage of such restrictive legislation. Passed the house January 19, 1911.

HOWARD D. TAYLOR,
Speaker of the House.

Passed the senate January 24, 1911.

W. H. PAULHAMUS,
President of the Senate.

Mr. HEYBURN. I present a joint memorial of the Legislature of the State of Idaho, which I ask may be printed in the Record and referred to the Committee on Irrigation and Reclamation of Arid Lands.

There being no objection, the joint memorial was referred to the Committee on Irrigation and Reclamation of Arid Lands and ordered to be printed in the Record, as follows:

House joint memorial 4.

To the honorable the Senate and House of Representatives of the United States, in Congress assembled:

Your memorialists, the senate and house of representatives of the State of Idaho, would respectfully represent and make known that the development of irrigation has been very rapid in the West, there having been millions of acres added to our irrigation area during the last few years; that the settlement on these new lands has been almost wholly by people from the East, who have practically no knowledge of irrigation; that irrigation farming is an intricate science, which requires considerable study; that the interests of the millions of farmers in the irrigated portion of the West, and of the West wholly, demand that these settlers learn irrigation farming in the shortest possible time.

Wherefore your memorialists urgently petition that the Government of the United States provide more liberally for education on the subject of irrigation through the irrigation branch of the United States Department of Agriculture, and that at some place centrally located in the irrigation belt a permanent institute be established at which instruction in the subject of irrigation and allied subjects be made a specialty, and that said subjects be there taught to all those who desire instruction therein.

This memorial passed the house of representatives on the 30th day of January, 1911.

CHARLES D. STOREY,
Speaker of the House of Representatives.

This memorial passed the senate on the 30th day of January, 1911.

L. H. SWEETSER,
President of the Senate.

I hereby certify that the within house joint memorial No. 4 originated in the house of representatives of the Legislature of the State of Idaho during the eleventh session.

JAMES H. WALLIS,
Chief Clerk of the House of Representatives.

STATE OF IDAHO,
DEPARTMENT OF STATE.

I, W. L. Gifford, secretary of state of the State of Idaho, do hereby certify that the annexed is a full, true, and complete transcript of house joint memorial No. 4, by Nihart, providing for a more liberal education on the subject of irrigation through the irrigation branch of the United States Department of Agriculture.

Passed the house January 30, 1911.

Passed the senate January 30, 1911.

Which was filed in this office the 2d day of February, A. D. 1911, and admitted to record.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State.

Done at Boise City, the capital of Idaho, this 2d day of February, A. D. 1911.

[SEAL.]

W. L. GIFFORD, Secretary of State.

REPORTS OF COMMITTEES.

Mr. MARTIN, from the Committee on Claims, to which were referred the following bills, reported them severally without amendment:

A bill (H. R. 24123) for the relief of the legal representatives of William M. Wightman, deceased;

A bill (H. R. 23888) for the relief of the Pennsylvania Engineering Co., of the city of Philadelphia; and

A bill (H. R. 1883) for the relief of John G. Stauffer & Son.

Mr. CULBERSON, from the Committee on Public Buildings and Grounds, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (S. 9556) to provide for the extension of the post-office and courthouse building at Dallas, Tex., and for other purposes (Rept. No. 1085); and

A bill (S. 10189) to amend an act to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes (Rept. No. 1086).

Mr. DU PONT, from the Committee on Military Affairs, to which was referred the bill (H. R. 21882) for the relief of Horace D. Bennett, reported it without amendment and submitted a report (No. 1087) thereon.

Mr. McCUMBER, from the Committee on Pensions, to which were referred certain bills granting pensions and increase of pensions, submitted a report (No. 1084) accompanied by a bill (S. 10691) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, which was read twice by its title, the bill being a substitute for the following Senate bills heretofore referred to the committee:

- S. 303. Jacob Souder.
- S. 712. Richard H. Bartlett.
- S. 1244. William A. McGinety.
- S. 3225. Jeremiah F. Blanchard.
- S. 3226. Hugh Haggerty.
- S. 3319. John Drown.
- S. 3423. James G. Brown.
- S. 3426. Mary A. Hartshorn.
- S. 3429. John Blevins.
- S. 3448. George B. Black.
- S. 4097. William Arey.
- S. 4100. Harry G. Morton.
- S. 4214. Hannah Lee.
- S. 4387. Eli Avery.
- S. 4488. Elmer Strickland.
- S. 4975. John Blue.
- S. 5090. Oscar H. Ford.
- S. 5091. Lemuel Dougherty.
- S. 5172. Asa N. Callahan.
- S. 5232. James A. Dunlap.
- S. 5349. Frederick H. Miller.
- S. 6004. Samuel Blush.
- S. 6240. Joseph Lewis.
- S. 6420. Horatio H. Jonks.
- S. 6512. Josiah Ackerman.
- S. 6653. Albert Miller.
- S. 6699. George W. McMullen.
- S. 6718. Elijah Knapp.
- S. 6836. Adoniram Judson Morgan.
- S. 7125. William V. Hopkins.
- S. 7162. Reuben Hurley.
- S. 7350. George F. Johnson.
- S. 7354. William H. White.
- S. 7411. Jairus D. Backus.
- S. 7412. Thomas Cooney.
- S. 7413. Thaddeus Parr.
- S. 7501. John Kinsey.
- S. 7682. Mathew Harris.
- S. 7702. Eber. W. Fosbury.

S. 7704. John J. Robinson.
 S. 7790. Robert Masters.
 S. 7850. Henry W. Bradley.
 S. 7862. George W. Robinson.
 S. 7867. Michael Boston.
 S. 7883. David Earhart.
 S. 7893. Chancy W. Rickard.
 S. 7894. Joseph A. Durham (alias Joseph Anson).
 S. 7929. William Baird.
 S. 7930. Samuel M. Bragg.
 S. 7939. Joel P. Colvin.
 S. 7963. Frank B. Carey.
 S. 8016. Thomas C. Boggess.
 S. 8073. Mary E. Havens.
 S. 8098. James M. Owen.
 S. 8151. Hiram Hoover.
 S. 8152. William Murlin.
 S. 8203. Henry H. Parmenter.
 S. 8272. Dorious Neel.
 S. 8277. Lemuel Cohee.
 S. 8279. Abraham C. Hendryx.
 S. 8370. Christopher C. Jones.
 S. 8371. John Wood.
 S. 8428. Ellen Hungerford.
 S. 8442. John F. Crayum.
 S. 8458. Corydon G. Ireland.
 S. 8507. Myron Heffron.
 S. 8540. Julius Blessin.
 S. 8585. John Freeman.
 S. 8602. Mary C. At Lee.
 S. 8638. Henry R. Playford.
 S. 8639. Franklin D. Morton.
 S. 8674. Calvin L. Johnson.
 S. 8743. George W. Anderson.
 S. 8784. Samuel P. Travis.
 S. 8798. Thomas Goodwin.
 S. 8805. Hugh Price Wilson.
 S. 8815. Susan Reppeto.
 S. 8827. John H. Reid.
 S. 8852. William R. Grumley.
 S. 8853. Albert Hitchcock.
 S. 8854. Albert S. Granger.
 S. 8857. Harrison C. Boyster.
 S. 8919. William Lehan.
 S. 8927. Charles Roth.
 S. 8937. Richard L. Sturges.
 S. 8938. James A. Morgan.
 S. 8940. George M. Roberts.
 S. 8944. David J. Bowman.
 S. 8945. Edwin W. Haynes.
 S. 8969. Mary A. Charles.
 S. 8972. Harrison F. Roberts.
 S. 8984. Erastus Smith.
 S. 8989. Daniel Fisher.
 S. 8993. William George Stark.
 S. 9071. Warren P. Dwinells.
 S. 9080. Orrin C. Leonard.
 S. 9081. Albert Koch.
 S. 9082. Samuel Moles.
 S. 9101. James M. C. Jackson.
 S. 9169. Robert Clark.
 S. 9171. Charles A. Rowell.
 S. 9205. John C. Neel.
 S. 9216. Joseph Shannon.
 S. 9234. John Chandler.
 S. 9287. John C. Ward.
 S. 9322. Daniel Jordan.
 S. 9323. Milton Pendergast.
 S. 9337. John Gorden.
 S. 9372. Victoria M. Steele.
 S. 9382. Charles M. Renshaw.
 S. 9407. Silas Fish.
 S. 9408. Valentine Lungwitz.
 S. 9459. Catherine M. Walker.
 S. 9460. Sherman McBratney.
 S. 9470. James Rude.
 S. 9480. Michael Farrington.
 S. 9502. James Haggerty.
 S. 9551. George W. Phelps.
 S. 9591. Robert Tarbet.
 S. 9709. Jasper N. Kinman.
 S. 9734. Henry Wentworth.
 S. 9736. William Noyes.
 S. 9737. Warren F. Reynolds.
 S. 9746. Orin Kimball.

S. 9807. William C. Hoffman.
 S. 9840. Joseph C. Kitchen.
 S. 9844. Isaac M. Couch.
 S. 9872. James Lindsey.
 S. 9910. Jacob Pinkett.
 S. 9913. James B. West.
 S. 9947. John S. Smith.
 S. 9952. Adelaide A. West.
 S. 9990. Aaron Welty.
 S. 10051. Sarah M. Peterson.
 S. 10125. William M. Wall.
 S. 10131. Frank E. Martell.
 S. 10132. Bethana Aseltine.
 S. 10170. Lucie W. Carter.
 S. 10193. Charles M. Merritt.
 S. 10196. George W. Carpenter.
 S. 10202. William P. D. Foss.
 S. 10265. Richard M. J. Coleman.
 S. 10287. Emma J. Blake.
 S. 10325. Andrew G. Scott.
 S. 10334. Alphonso H. Mitchell.
 S. 10358. Fannie S. Haskell.
 S. 10370. George W. Shaw.
 S. 10374. John B. Dean.
 S. 10387. John C. Whittaker.
 S. 10391. Harriet W. Wilkinson.
 S. 10405. Alonzo J. Mosher.
 S. 10406. Thomas H. Whitman.
 S. 10419. James Jenkins.
 S. 10420. Timothy Egan.
 S. 10426. Uriah Renner.
 S. 10430. Mahala Fausey.
 S. 10445. Mary V. Webster.
 S. 10481. Alonzo Hoding.
 S. 10493. William H. Rickstrew.
 S. 10494. Alice L. Walker.
 S. 10495. Nathan Baker.
 S. 10535. Elizabeth A. Marr.
 S. 10600. John Conroy.
 S. 10625. Thomas B. Pulsifer.

Mr. SCOTT, from the Committee on Public Buildings and Grounds, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (S. 9123) to increase the limit of cost for the erection of the United States post-office building at Grafton, W. Va. (Rept. No. 1088); and

A bill (S. 9124) to increase the limit of cost for the erection of the United States post-office building at Sistersville, W. Va. (Rept. No. 1089).

He also, from the same committee, to which was referred the bill (S. 5367) providing for the purchase of a reservation for a public park in the District of Columbia, reported it with amendments and submitted a report (No. 1090) thereon.

He also, from the same committee, to which was referred the bill (S. 5036) for the erection of a public building at Lancaster, Ky., reported it with amendments.

Mr. WETMORE, from the Committee on Public Buildings and Grounds, to which was referred the bill (S. 6645) for the establishment of a park at the junction of Maryland Avenue, Fifteenth Street, and H Street NE., Washington, D. C., reported it without amendment and submitted a report (No. 1091) thereon.

Mr. RICHARDSON, from the Committee on Claims, to which was referred the bill (H. R. 6043) for the relief of registers and former registers of the United States land offices, reported it without amendment and submitted a report (No. 1092) thereon.

Mr. WARNER, from the Committee on Public Buildings and Grounds, to which was referred the bill (S. 2207) to provide for the purchase of a site and the erection of a public building thereon at Aurora, in the State of Missouri, reported it with amendments and submitted a report (No. 1093) thereon.

Mr. OLIVER, from the Committee on Claims, to which was referred the bill (H. R. 5968) to pay Thomas P. Morgan, jr., amount found due him by Court of Claims, reported it without amendment and submitted a report (No. 1094) thereon.

Mr. OVERMAN, from the Committee on Claims, to which was referred the bill (H. R. 6776) for the relief of Oliva J. Baker, widow of Julian G. Baker, late quartermaster, United States Navy, reported it without amendment and submitted a report (No. 1095) thereon.

Mr. FRAZIER, from the Committee on Claims, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (H. R. 2556) for the relief of R. A. Sisson (Rept. No. 1096); and

A bill (H. R. 14729) for the relief of Capt. Evan M. Johnson, United States Army (Rept. No. 1097).

Mr. BRADLEY, from the Committee on Claims, to which was referred the bill (S. 4678) to adjust the claims of certain settlers in Sherman County, Oreg., reported it with an amendment and submitted a report (No. 1098) thereon.

Mr. WETMORE, from the Committee on the Library, to which was referred the bill (S. 7764) to provide for the purchase of the original painting by George Heriot of the two Capitol buildings before they were burned by the British troops during the War of 1812, submitted an adverse report (No. 1099) thereon, which was agreed to and the bill was postponed indefinitely.

Mr. CURTIS, from the Committee on Indian Depredations, to which was referred the bill (S. 10526) for the relief of Thomas Hoyne, reported it with an amendment and submitted a report (No. 1100) thereon.

Mr. WARREN, from the Committee on Military Affairs, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (H. R. 13936) for the relief of William P. Drummon (Rept. No. 1102); and

A bill (H. R. 21646) for the relief of William Doherty (Rept. No. 1101).

Mr. BULKELEY. On yesterday I reported adversely from the Committee on Military Affairs a bill (H. R. 26018) for the relief of James Donovan, and moved that it be postponed indefinitely. I ask that the vote by which the bill was postponed indefinitely be reconsidered and that the bill be recommitted to the Committee on Military Affairs.

The VICE PRESIDENT. Without objection, that order is made.

RESERVE FOR GOLD CERTIFICATES.

Mr. SMOOT. From the Committee on Finance I report back favorably, without amendment, the bill (S. 10457) to amend section 6 of the currency act of March 14, 1900, as amended by the act approved March 4, 1907, and I ask for its immediate consideration.

The VICE PRESIDENT. The Secretary will read the bill for the information of the Senate.

The Secretary read the bill, as follows:

Be it enacted, etc., That section 6 of an act to define and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, to refund the public debt, and for other purposes, approved March 14, 1900, as amended by the act approved March 4, 1907, be, and the same is hereby, further amended so as to read as follows:

"SEC. 6. That the Secretary of the Treasury is hereby authorized and directed to receive deposits of gold coin with the Treasurer, or any assistant treasurer of the United States, in sums of not less than \$20, and to issue gold certificates therefor in denominations of not less than \$10, and the coin so deposited shall be retained in the Treasury and held for the payment of such certificates on demand, and used for no other purpose. Such certificates shall be receivable for customs, taxes, and all public dues, and when so received may be reissued, and when held by any national banking association may be counted as a part of its lawful reserve: *Provided,* That whenever and so long as the gold coin and bullion held in the reserve fund in the Treasury for the redemption of United States notes and Treasury notes shall fall and remain below \$100,000,000 the authority to issue certificates as herein provided shall be suspended: *And provided further,* That whenever and so long as the aggregate amount of United States notes and silver certificates in the general fund of the Treasury shall exceed \$60,000,000 the Secretary of the Treasury may, in his discretion, suspend the issue of the certificates herein provided for: *And provided further,* That of the amount of such outstanding certificates one-fourth at least shall be in denominations of \$50 or less: *And provided further,* That the Secretary of the Treasury may, in his discretion, issue such certificates in denominations of \$10,000, payable to order: *And provided further,* That the Secretary of the Treasury may, in his discretion, receive, with the assistant treasurer in New York and the assistant treasurer in San Francisco, deposits of foreign gold coin at their bullion value in amounts of not less than \$1,000 in value and issue gold certificates therefor of the description herein authorized: *And provided further,* That the Secretary of the Treasury may, in his discretion, receive, with the Treasurer or any assistant treasurer of the United States, deposits of gold bullion bearing the stamp of the coinage mints of the United States, or the assay office in New York, certifying their weight, fineness, and value, in amounts of not less than \$1,000 in value, and issue gold certificates therefor of the description herein authorized. But the amount of gold bullion and foreign coin so held shall not at any time exceed one-third of the total amount of gold certificates at such time outstanding. And section 5193 of the Revised Statutes of the United States is hereby repealed."

Mr. WARREN. I should like to ask if the bill has been reported from a committee; and if so, from what committee?

The VICE PRESIDENT. It has just been reported from the Committee on Finance.

Mr. WARREN. I will not object to its consideration. I will state, however, that I shall feel constrained to object to the consideration of further bills during the call for morning business.

Mr. SCOTT. I should like to have the Senator from Utah explain the nature of the bill. It appears to be a very important one, and unanimous consent is asked for its consideration.

Mr. SMOOT. I can explain it in a very few words to the Senator.

At the present time we have in circulation \$940,000,000 in gold certificates, and under the present law we are required to hold as a reserve against those certificates an equal amount of gold coin. The bill provides that instead of coining the gold bullion into gold coin as a reserve against gold certificates the Secretary of the Treasury shall have authority to hold not to exceed one-third of the amount of circulation in gold bullion and foreign coin instead of gold coin.

Mr. SCOTT. I know what the bill is now. I could not get its full import from the reading.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CRAWFORD:

A bill (S. 10692) granting an increase of pension to James L. Anderson (with accompanying paper);

A bill (S. 10693) granting an increase of pension to Darius Giles (with accompanying paper);

A bill (S. 10694) granting a pension to George Boothroyd (with accompanying paper); and

A bill (S. 10695) granting an increase of pension to William H. Scannel (with accompanying papers); to the Committee on Pensions.

By Mr. CULLOM:

A bill (S. 10696) granting a pension to James C. Moorhead (with accompanying papers);

A bill (S. 10697) granting an increase of pension to Joseph P. Pittman (with accompanying papers); and

A bill (S. 10698) granting an increase of pension to Henry G. Tuttle (with accompanying papers); to the Committee on Pensions.

By Mr. BEVERIDGE:

A bill (S. 10699) to correct the military record of Joshua F. Spurlin; to the Committee on Military Affairs.

A bill (S. 10700) granting an increase of pension to James Edwards; to the Committee on Pensions.

By Mr. BROWN:

A bill (S. 10701) granting a pension to Katie A. Stewart (with accompanying papers); to the Committee on Pensions.

By Mr. NELSON:

A bill (S. 10702) authorizing homestead entries on certain lands formerly a part of the Red Lake Indian Reservation, in the State of Minnesota; to the Committee on Public Lands.

By Mr. GUGGENHEIM:

A bill (S. 10703) for the relief of Peter Mulock; and

A bill (S. 10704) for the relief of Loren B. Sylvester (with accompanying papers); to the Committee on Claims.

By Mr. MARTIN:

A bill (S. 10705) granting a pension to Louis P. Bailey; and

A bill (S. 10706) granting a pension to Monroe T. Houchens (with accompanying papers); to the Committee on Pensions.

By Mr. STONE:

A bill (S. 10707) to consolidate certain forest lands in the Kansas National Forest; to the Committee on Public Lands.

By Mr. CULBERSON:

A bill (S. 10708) granting an increase of pension to Gilford Ratliff; and

A bill (S. 10709) granting an increase of pension to Polk R. Kyle; to the Committee on Pensions.

By Mr. DEPEW:

A bill (S. 10710) granting an increase of pension to Mary E. Burrell; to the Committee on Pensions.

A bill (S. 10711) for the relief of A. J. G. Kane; to the Committee on Military Affairs.

By Mr. OWEN:

A bill (S. 10712) amending an act to enable the people of Oklahoma and of the Indian Territory to form a constitution and State government, etc.; to the Committee on Indian Affairs.

By Mr. PAYNTER:

A bill (S. 10713) granting an increase of pension to Ephraim B. Wilhoit;

A bill (S. 10714) granting a pension to Mary Bruce; and
A bill (S. 10715) granting a pension to Irene J. Reed; to the Committee on Pensions.

By Mr. KEAN:

A bill (S. 10716) for the relief of Jane A. Oberly; to the Committee on Claims.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. GAMBLE submitted an amendment proposing to appropriate \$7,356.90 to pay certain persons for claims for buildings and improvements at the Pine Ridge Agency, taken by the Indian Bureau, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

Mr. PILES submitted an amendment proposing to increase the appropriation for investigations of methods for wood distillation, and for the preservative treatment of timber, for timber testing, etc., from \$170,040 to \$187,040, intended to be proposed by him to the agricultural appropriation bill, which was ordered to be printed and, with the accompanying paper, referred to the Committee on Agriculture and Forestry.

Mr. FOSTER submitted an amendment proposing to appropriate \$350,000 for the completion of the post office and courthouse at New Orleans, La., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

WITHDRAWAL OF PAPERS—W. L. MOLLOY.

On motion of Mr. BOURNE, it was

Ordered, That W. L. Molloy be permitted to withdraw from the files of the Senate all papers filed in connection with Senate bill 950, Sixtieth Congress, first session.

TREATY OF PEACE WITH SPAIN.

Mr. BACON. I beg leave to ask for a reprint of Senate Document No. 182, Fifty-seventh Congress, first session. It is a document the Senate had printed containing the treaty of peace between the United States and Spain and the action of the Senate thereon. The edition is about exhausted, and I ask for a reprint.

There being no objection, the order was reduced to writing and agreed to, as follows:

Ordered, That the treaty of peace between the United States and Spain, signed at the city of Paris December 10, 1898, together with all the amendments proposed thereto in the Senate, with the votes thereon, respectively, and the final vote upon the treaty; also Senate resolution 240, introduced by Mr. McNery February 6, 1899, entitled "Joint resolution declaring the purpose of the United States toward the Philippine Islands," with the amendments offered thereto and the votes thereon, with the final vote upon the resolution in the Senate, be reprinted.

RECIPROCAL TRADE RELATIONS WITH CANADA.

Mr. BEVERIDGE. Mr. President, I wish to give notice that on Friday, the 10th, immediately after the morning business, I shall submit some remarks to the Senate on the subject of the Canadian reciprocity agreement.

Mr. BEVERIDGE subsequently said: Mr. President, I wish to change the notice that I gave of my intention to address the Senate on Friday to Thursday, immediately after the Senator from Kansas [Mr. Bristow] shall have concluded his remarks; or, in case he does not speak on that day, then immediately after the morning business. The Senator from New York [Mr. Root] desires to speak on Friday, and I am very glad to change my notice to Thursday, so that the arrangement will be agreeable all around.

ELECTION OF SENATORS BY DIRECT VOTE.

Mr. ROOT. Mr. President, I give notice that, with the permission of the Senate, at the close of the routine morning business on Friday of this week I will make some observations upon the joint resolution for the amendment of the Constitution in respect to the election of Senators.

ARMY APPROPRIATION BILL.

The VICE PRESIDENT. The morning business is closed.

Mr. JONES. The Senator from Wyoming is very anxious to proceed with the consideration of the Army appropriation bill, and I shall yield for that purpose.

Mr. WARREN. I ask the Senate to resume the consideration of House bill 31237, the Army appropriation bill.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 31237) making appropriation for the support of the Army for the fiscal year ending June 30, 1912.

The VICE PRESIDENT. The Secretary will resume the reading where it was discontinued yesterday.

Mr. BAILEY. Mr. President, I understand the Senator from Florida [Mr. Fletcher] had given notice that he intended to

speak immediately after the Senator from Washington [Mr. Jones] concluded. I assume the Senator from Florida did not anticipate the arrangement which has just been assented to. Unless the Senator from Wyoming thinks he can dispose of this bill so as to enable both the Senator from Washington and the Senator from Florida to conclude their addresses to-day, I would dislike to see the arrangement already made by announcement interfered with.

Mr. WARREN. Mr. President, I think there is no doubt about our being able to complete the bill and give both the Senators ample time to speak. I shall ask that the bill be laid aside if we meet with any serious delay, as it is not my intention to interfere in any manner with the plans of either of the Senators mentioned.

Mr. BAILEY. I took it upon myself to make the suggestion without consulting the Senator from Florida. I did not want to see him displaced. With the statement which the Senator from Wyoming has just made, it is all right.

The VICE PRESIDENT. The Secretary will proceed with the reading of the bill.

The Secretary resumed the reading of the bill, beginning at page 35, line 22.

The next amendment of the Committee on Military Affairs was, in the item of appropriation for the maintenance of barracks and quarters, on page 36, line 14, after the words "military posts," to insert "and for sales to officers on the active list of the Army not occupying public quarters," so as to read:

Barracks and quarters: For barracks, quarters, stables, storehouses, magazines, administration and office buildings, sheds, shops, and other buildings necessary for the shelter of troops, public animals, and stores, and for administration purposes, except those pertaining to the Seacoast Artillery; for repairing public buildings at military posts; for extra-duty pay to enlisted men and hire of employees; for rental of the authorized allowance of quarters for officers on duty with the troops at posts and stations where no public quarters are available; of barracks or authorized allowance of quarters for noncommissioned officers and enlisted men on duty where public quarters are not available; of grounds for cantonments, camp sites, and other military purposes, and of buildings or portions of buildings for occupation by troops, for use as stables, storehouses, and offices, and for other military purposes; for the hire of recruiting stations and lodgings for recruits; for such furniture for the public rooms of officers' messes and for officers' quarters at military posts, and for sales to officers on the active list of the Army not occupying public quarters, as may be approved by the Secretary of War; for wall lockers in permanent barracks and refrigerators in barracks and quarters; for screen doors, window screens, storm doors and sash, and window shades for barracks, offices, and quarters, and for flooring and framing for tents.

The amendment was agreed to.

The next amendment was, in the same clause, on page 37, line 8, before the word "thousand," to strike out "fifteen" and insert "twenty-five," and in line 11, after the words "Yellowstone National Park," to insert "and that \$10,000 of the sum herein appropriated may be used for the completion of the chapel building at Fort Sam Houston, Tex.: And provided further, That of the sum herein appropriated \$221,700 shall be immediately available for the construction of barracks and quarters," so as to make the proviso read:

Provided further, That \$25,000 of the sum herein appropriated may be used for the construction and completion of a chapel on the military reservation at Fort Yellowstone in the Yellowstone National Park, and that \$10,000 of the sum herein appropriated may be used for the completion of the chapel building at Fort Sam Houston, Tex.: And provided further, That of the sum herein appropriated \$221,700 shall be immediately available for the construction of barracks and quarters, \$1,856,050.

The amendment was agreed to.

The next amendment was, in the item of appropriation for transportation of the Army and its supplies, on page 40, line 21, after the word "That," to insert "hereafter;" in line 25, before the word "their," to strike out "for;" and on page 41, line 1, after the words "United States," to insert "and also secretaries and supplies of the Army and Navy department of the Young Men's Christian Association: Provided further, That when there is cargo space available without displacing military supplies, transportation may be provided for merchandise of American production consigned to residents and mercantile firms of the island of Guam, rates and regulations therefor to be prescribed by the Secretary of War," so as to make the proviso read:

Provided, That hereafter when, in the opinion of the Secretary of War, accommodations are available, transportation on vessels of the Army transport service may be furnished the officers, employees, and enlisted men of the Revenue-Cutter Service, and their families, without expense to the United States, and also secretaries and supplies of the Army and Navy department of the Young Men's Christian Association: Provided further, That when there is cargo space available without displacing military supplies, transportation may be provided for merchandise of American production consigned to residents and mercantile firms of the island of Guam, rates and regulations therefor to be prescribed by the Secretary of War.

The amendment was agreed to.

The next amendment was, in the same clause, on page 41, line 9, after the word "That," to insert "hereafter;" and in line 12, after the word "for," to insert "And provided further, That the accounting officers of the Treasury are hereby authorized and directed to remove any suspensions or disallowances in the accounts of quartermasters for the fiscal years 1909, 1910, and 1911, for the temporary hire of motor vehicles, and for the repair, operation, and maintenance of motor vehicles in the Quartermaster's Department, when approved by the Secretary of War as necessary for the public service," so as to make the proviso read:

Provided further, That hereafter in the performance of their official and military duties officers of the Army are authorized, under such regulations as may be established by the Secretary of War, to use means of transportation herein provided for: *And provided further,* That the accounting officers of the Treasury are hereby authorized and directed to remove any suspensions or disallowances in the accounts of quartermasters for the fiscal years 1909, 1910, and 1911, for the temporary hire of motor vehicles, and for the repair, operation, and maintenance of motor vehicles in the Quartermaster's Department, when approved by the Secretary of War as necessary for the public service; and for the purchase and repair of harbor boats, and repair of boats for the Seacoast Artillery Service, \$11,023,615.06.

Mr. BACON. Mr. President, if the Senator from Wyoming will pardon me a moment, I desire some information in regard to this proposed amendment. This matter of the indiscriminate use of public vehicles by public officers of the various departments of the Government has been called by me to the attention of the Senate several times, and my conviction as to the importance of it is in no manner lessened by the scenes which I witness every day on the streets of Washington of subordinate officers of the various departments riding around the city at the expense of the Government and of the people of the United States.

I am not in what I say alluding to officers of the Government for whom specific appropriations are made for the purpose of furnishing them with automobiles or with carriages, for that is a matter that Congress particularly takes up and passes upon and as to which, whether proper or not, we know what we are doing when we make the appropriations.

Mr. President, I think I can safely call the Senate to witness that I have not been disposed to be penurious or niggardly in the allowances made to officers, civil and military; on the contrary, I have been somewhat chided for being more liberal than others think I should be in the matter. I have believed in liberal compensation for such officers, and I believe in making proper provision for them in every way; but this is one thing in which I think there is a grave and great abuse.

I want to say that I have talked with Representatives, and I have talked with Senators year in and year out in private as well as saying something in public on this subject; it is a rare thing to find a Representative or a Senator who does not condemn it, and yet we submit to it and permit it to go on as it is.

Mr. President, there is scarcely a day when I walk to the Capitol that I do not see public officials, whom I do not personally know, and I would not know they were public officials but for the particular situation in which I see them—when others of us are either walking or riding in conveyances furnished at private expense—who are riding through the streets of Washington with the finest horses that can be found in the United States outside of race horses—I am not speaking of those, but I am speaking of fine carriage horses and fine vehicles—riding to and from their offices, and not only thus using them themselves, but their families also frequently using them. I say, Mr. President, that is an abuse that ought to be stopped by the Congress of the United States.

Mr. President, there are certain needs for carriages and vehicles for the departments, and of course they ought to be allowed, for certain vehicles have to be furnished, and it is out of the fact of the necessity for certain vehicles that this abuse has grown.

I would desire very much to know of the chairman of the committee, if it is possible for him to give the information, how many vehicles are being employed by the departments, and for what purposes, and what they cost. I think this detailed information ought to be given to the Congress of the United States. We ought to know how many vehicles at public expense are being maintained in this city and used by officials outside of those for which we make specific appropriation.

We give vehicles to the heads of departments; we give those vehicles to them, as I understand, by special designation; we give them to the Speaker of the House of Representatives and to the Vice President. I am not alluding to those at all, for while some differ as to the propriety of doing that, those are not matters of great abuse.

I am speaking of vehicles, for which there is no detailed information furnished Congress, which are being used for the private convenience of officials. Therefore I should like to know if the Senator from Wyoming, in charge of the bill—I, in a private way, endeavored to put the committee on notice that I was going to ask for this information to-day—is in possession of the information as to the number of vehicles, carriages, horses, pairs of horses—for they do not deign to use but one horse—coachmen, who are necessarily paid high wages and whose sole occupation seems to be to furnish officials of the Government, who are not particularly designated as those entitled to these vehicles, with the means of transportation for themselves and their families up and down the streets of this city. I should like to know if the Senator can give us the information as to the number of these vehicles, their cost, and the uses to which they are put.

Mr. WARREN. Mr. President—

Mr. BACON. The Senator from Florida [Mr. TALIAFERRO] suggests to me aside, and very properly, that I should not inquire of the Senator from Wyoming as to anything except that which relates to the War Department; and, of course, while I do not mean to limit what I have to say to the War Department, because I do not know that the abuse is any more excessive there than in any other department, I must limit this particular inquiry to the War Department.

Mr. WARREN. I assume the Senator would not ask me at this time to refer to any transportation except that of the Army—of the War Department.

Mr. BACON. Of course not; or those employed in the War Department.

Mr. WARREN. In the War Department there are certain allowances by law for horses and carriages that have existed for many years. The matter of automobiles, motor cycles, and so forth, is something that has come up later. The amendment which is now before the Senate is to close up the matter of accounts, amounting to \$5,000 or \$6,000, that have been suspended or disallowed by the comptroller in cases where automobiles have been used in place of the usual transportation. They are not expending money or contracting bills in the same line now.

I will give the Senator some information, if I may have his attention, as to how these charges occurred. For instance, one of the charges is for furnishing an automobile for use at West Point in place of horses and carriages.

In several cases the allowances have been in connection with the use of an automobile by a surgeon who has to visit his patients in various places. For example, in Washington an officer of the Army is entitled to the attendance of a surgeon. He may be in the Walter Reed Hospital, some miles out; he may be at his residence, which he may have erected or rented here; or he may be at headquarters. The transportation allowance that a surgeon has, as the Senator probably knows, is a riding horse. I think the Senator from Georgia will concede that transportation on horseback is hardly the proper mode of transportation for a visiting surgeon who has instruments, medicines, and so forth, to carry with him. Therefore, up to the time of the decision of the comptroller, those surgeons have had the use of these automobiles.

This is a provision, as I have said, to close those suspended or disallowed accounts, which amount to five or six thousand dollars altogether. In some instances it is a case where an officer has crossed the city of New York or has been to a post that is distant from some railroad station, and the account would probably have passed through had it been for a horse and carriage, but being for an automobile the auditor or comptroller failed to find language in the law which authorized it.

As to the general matter of automobiles for private uses, the Senator will find, if he investigates as I have done, that quite a number of officers of the Army have their own automobiles, their own chauffeurs, and may be seen on the streets at all times. I have never been able to ascertain or to satisfy my own mind that officers of the Army were furnished by the Government with automobiles for their own personal or family use. There are altogether 27 gasoline and steam machines owned and used by the Quartermaster's Department. Some of those are trucks, and I may say that the time, in my judgment, is very near at hand when about all the trucking, where the roads are fit, will be done with gasoline machines as being much cheaper than transportation in the usual way with horses.

I do not think that in the Army this privilege is being greatly abused. The Quartermaster's Department is, of course, supplied with certain spring wagons and horses for the general handling of their business. Most of this automobile service has been in the Medical Department. They have two or three auto-

mobiles which are owned by the Government, and which are plainly marked to show that fact.

Mr. BACON. Mr. President, I will ask the Senator if he does not know the fact that, outside of automobiles, there are vehicles, not trucks, not spring wagons, but carriages with the small letters "Q. M. D.," probably two-thirds of an inch or half an inch long, painted under the driver's seat, where they can not be seen as far away as the Senator is from me now, and would be noticed by nobody, and that those carriages are being driven up and down these streets every day by subordinates in the departments? I do not know whether or not the occupants are officers, because they are not in uniform; but I am not limiting what I say to officers. They may be civilians; there are a great many civilians employed in the War Department, and I am not directing what I say particularly at the officers of the Army. I am talking about the department. I ask the Senator if he does not know the fact—and if he does not, if he will go with me I will show it to him any day he wants to see it—that there are such vehicles running up and down these streets, carrying officers backward and forward from their residences to the department, or carrying employees, for I do not know whether they are officers or employees, and in many instances carrying their families about the city? Does not the Senator know that fact?

Mr. WARREN. Mr. President, I do not know that that is the case to the extent the Senator states it.

Mr. BACON. Mr. President, this is a matter not simply of my observation, but it is known to everybody, or to almost everybody. An officer high in the Army recently talked to me about it, and made a suggestion that the law should provide that all carriages and vehicles that were used by the departments should be drawn by mules. He thought if that were done that the vehicles would not be so readily employed for social and other purposes. [Laughter.] I think it a very good suggestion. That was made to me by an officer of high rank in the Army.

Mr. WARREN. Speaking of mules, I consider them most appropriate and certainly reliable. Did the officer feel that he was guilty himself and that he was abusing his privilege?

Mr. BACON. I am confident he was not, by his stating that to me. I do not suppose that all of them participate in this abuse.

Mr. WARREN. I myself have seen these things in a cursory way, and have investigated a great many cases. Not long since, after an evening entertainment, I was invited to enter an automobile with a general officer of the Army. I was rather curious to know whether it was a Government automobile or not, and so when we drove around to his house I said they might leave him first. He turned to the driver and said, "You will charge that to my account." I found, as I have often found, that it was an automobile hired from a garage in the city, and he paid for it.

Mr. BACON. I have no doubt that frequently occurs.

Mr. WARREN. On the other hand, a surgeon starts in the morning here to go, perhaps, to the Walter Reed Hospital on his duty. Very likely his wife or his children may ride with him. I presume the Senator would not object to that.

As to the transportation being purchased and used for private use, and thereby costing the Government more money because of unlawful private use, I am satisfied that that charge could not be made good to any appreciable extent. There are certain allowances in the Quartermaster's Department, and the officers do not exceed them, and there are certain allowances for others.

I would be very glad, if the Senator has any reasonable proposition to suggest to bring about what he desires, if he would present it. I agree with him that the Government should not spend money for the families of employees of the Government other than those—

Mr. BACON. I am surprised that the Senator does not know the fact, which is notorious to everybody in Washington, that that is constantly being done.

I do not mean to say, and it is unfair for the Senator to suggest, that I mean that every time an officer is riding he is riding either improperly in a public carriage or that he is not riding in his own carriage. I have no doubt they frequently ride in their own carriages, and I have no doubt they frequently ride properly in public carriages on official business. I do not dispute that at all; and it is not fair for the Senator to suggest that what I have said can have any such meaning. But I do not understand that it is a proper use for a carriage to be sent to the house of an officer—and when I say "officer" I mean civil or military, whether he is an employee or an officer of the Army—every morning to take him to the department at 10 o'clock in the day. Mr. President, if we have any extra money

for expenditures in the departments I think a little of it had better be expended on the poor clerks in the departments instead of on these gentlemen who can ride around in such style. That is my judgment in that matter.

Mr. WARREN. That opens up a wide subject and would hardly come up in this bill or in this connection.

Mr. BACON. Before the Senator concludes I want to say this: There was a Senator in the Chamber a few moments ago who narrated to me this experience: Some time ago he was walking along the sidewalk, as most of us have to do. If there were any need for carriages there is a great deal more need for carriages for Members of Congress. They have to go around a great deal. I do not think anybody would approve their being furnished us. I would not vote that we should have them. The Senator was walking along the sidewalk, and an employee of one of the departments came along in a carriage and drew up alongside and asked him to take a seat with him. The Senator accepted his invitation and rode some distance, and then complimented him on having such a fine turn-out. The employee said, "This is not mine; this belongs to the Government." And the employee was a subordinate officer. I am sorry the Senator who told me that is not here. Another Senator told me of a similar experience in some post remote from Washington.

I do not think it is consistent with our Republican institutions that, except in the exceptional cases I have mentioned, where there are specific reasons given and where specific provision is made, the public money should be used in the furnishing of conveyances for the private convenience of officers or of their families.

This has ended just as it has ended every time heretofore, and I was possibly imprudent in doing that which is not a very pleasant thing to do and which it would be very much more agreeable to refrain from doing. This is going to end to-day just as it has ended every time, and I think, Mr. President, it is due—impracticable, perhaps—that at some time in the future it should be known what vehicles there are and to what uses they are put. I think there are very few necessities for officers of the executive departments to have carriages for them to ride about the city in. There are very few uses, very few necessities.

I have accomplished all I had expected to accomplish—simply to bring attention to it. I did not expect to effect anything, because I have made the effort several times before and failed, just as I have failed to-day.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The next amendment was, on page 42, line 16, after the word "hundred," to strike out "thousand seven hundred" and insert "and sixty-seven thousand nine hundred;" in line 19, before the word "dollars," to strike out "fifty thousand" and insert "one hundred thousand;" and on page 43, line 3, after the word "this," to strike out "appropriation may be used for the purchase of 1½ sections of lands located on Dead Mans Creek, S. Dak., for the protection of the water supply of Fort Meade, S. Dak.," and insert "sum may be used for the protection of the water supply of Fort Meade, S. Dak., and that from the sum hereby appropriated the Secretary of War is authorized, in his discretion, to acquire by purchase or condemnation proceedings 1½ sections of land located on Dead Mans Creek, S. Dak.," so as to make the clause read:

Water and sewers at military posts: For procuring and introducing water to buildings and premises at such military posts and stations as from their situation require it to be brought from a distance; for the purchase and repair of fire apparatus; for the disposal of sewage; for repairs to water and sewer systems and for hire of employees, \$2,267,903.27: *Provided*, That not to exceed \$100,000 of this sum may be used for the improvement and protection of the water supply and for the improvement of the grounds of the Fort D. A. Russell target and maneuver reservation, Wyo., and that from the sum hereby appropriated the Secretary of War is authorized, in his discretion, to acquire by purchase or condemnation proceedings certain tracts of land required for the maneuvering of troops and other military purposes, lying within the limits of the aforesaid reservation: *Provided further*, That not to exceed \$17,200 of this sum may be used for the protection of the water supply of Fort Meade, S. Dak., and that from the sum hereby appropriated the Secretary of War is authorized, in his discretion, to acquire by purchase or condemnation proceedings 1½ sections of land located on Dead Mans Creek, S. Dak.

The amendment was agreed to.

The next amendment was, on page 43, line 24, before the word "thousand," to insert "and fifty," and on page 44, line 1, after the word "thirteen," to insert: "*Provided*, That hereafter the Secretary of War may, in his discretion, assign suitable retired officers of the Army to active duty as members of the board of road commissioners for Alaska, and in the case of any officer so assigned the provisions of so much of the act of Congress approved April 23, 1904, entitled 'An act making appro-

priations for the support of the Army for the fiscal year ending June 30, 1905, and for other purposes," as relates to the assignment of retired officers to active duty shall apply," so as to make the clause read:

Construction and maintenance of military and post roads, bridges, and trails, Alaska: For the construction and maintenance of military and post roads, bridges, and trails in the District of Alaska, to be expended under the direction of the board of road commissioners described in section 2 of an act entitled "An act to provide for the construction and maintenance of roads, the establishment and maintenance of schools, and the care and support of insane persons in the District of Alaska, and for other purposes," approved January 27, 1905, and to be expended conformably to the provisions of said act, \$150,000, to remain available until the close of the fiscal year ending June 30, 1913: *Provided*, That hereafter the Secretary of War may, in his discretion, assign suitable retired officers of the Army to active duty as members of the board of road commissioners for Alaska, and in the case of any officer so assigned the provisions of so much of the act of Congress approved April 23, 1904, entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1905, and for other purposes," as relates to the assignment of retired officers to active duty shall apply.

Mr. JONES. I desire to ask the Senator in charge of the bill a question with reference to this amendment. Some time ago I introduced an amendment increasing the appropriation by \$50,000, but providing that the amount should be expended on the trail or road between Cook Inlet and Iditarod. I want to ask the Senator in charge of the bill whether this increase is made in pursuance of the supplemental estimate sent down by the Secretary of the Treasury under date of January 25, and with the understanding that the money will be expended as suggested in this report.

Mr. WARREN. The proposed expenditure referred to by the Senator is included in this. The reason why the names of points are not put in is that it would require the keeping of different accounts and would cause an expense which the department considers unnecessary. The intention is to take up the very matter mentioned by the Senator, and which is estimated for by the department.

Mr. JONES. Yes.

Mr. NELSON. If the Senator will allow me, I have had some conversation with Maj. Richardson, who was at the head of this commission, and he intends to devote part of the proceeds to the very work the Senator refers to.

Mr. JONES. What I want to get at is whether it is the purpose to expend this additional \$50,000 for this purpose.

Mr. NELSON. I think he will have to spend probably more than that—whatever is necessary to make the road to the Iditarod country.

Mr. JONES. I ask that the supplemental estimate may be printed in the RECORD, so that we may have a clear understanding of it.

The VICE PRESIDENT. Without objection, it is so ordered.

The supplemental estimate is as follows:

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, January 25, 1911.

SIR: I have the honor to transmit herewith, for the consideration of Congress, copy of a communication of the Secretary of War of the 24th instant, submitting a supplemental additional estimate of appropriation in the sum of \$50,000 for construction and maintenance of military and post roads, bridges, and trails, Alaska.

The Secretary of War explains the necessity arising for the submission of this additional estimate at this time, and the reason why it was impracticable to include the same in his regular estimates submitted to the Congress.

Respectfully,

FRANKLIN MACVEAGH, Secretary.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

WAR DEPARTMENT,
Washington, January 24, 1911.

SIR: I have the honor to forward herewith, for transmission to Congress, a supplemental estimate of an appropriation of \$50,000 required by the War Department for the service of the fiscal year ending June 30, 1912, for the construction and maintenance of military and post roads, bridges, and trails in Alaska.

The submission of this estimate is deemed imperatively necessary for the reasons stated by the president of the board of road commissioners for Alaska in the footnote thereto, namely, to provide additional funds for this purpose, owing to the rapid developments which have taken place in the interior district of the Iditarod, where there are at present approximately 3,000 people who are receiving but one mail a month via a circuitous route—Valdez-Fairbanks, down the Yukon to Kaltag, and back to the Iditarod—a distance more than twice that of the proposed new route from Cook Inlet.

It was impracticable to include this item in the regular annual estimates of the War Department for the fiscal year 1912, for the reason that sufficient details covering the same were not presented to the department until after the regular estimates had been submitted to Congress, through the Treasury Department, as required by law.

The President has sanctioned the submission of this estimate.

Very respectfully,

J. M. DICKINSON, Secretary of War.

The SECRETARY OF THE TREASURY.

Supplemental estimates of appropriations required for the service of the fiscal year ending June 30, 1912, by the Alaska Road Commission.

WAR DEPARTMENT—ALASKA ROAD COMMISSION.

Construction and maintenance of military and post roads, bridges, and trails, Alaska:

For the construction and maintenance of military and post roads, bridges, and trails in the District of Alaska, to be expended under the direction of the Board of Road Commissioners described in section 2 of an act entitled "An act to provide for the construction and maintenance of roads, the establishment and maintenance of schools, and the care and support of insane persons in the District of Alaska, and for other purposes," approved Jan. 27, 1905, and to be expended conformably to the provisions of said act (acts Jan. 27, 1905, vol. 33, p. 616, sec. 2; Mar. 23, 1910, vol. 36, p. 257, sec. 1).

Amount appropriated for the current fiscal year, ending June 30, 1911	\$50,000
	100,000

NOTE.—The additional sum here estimated for is to be applied to the construction of a winter trail from the end of the Alaska Northern Railway on Cook Inlet across the Rainy Pass, through the valley of the upper Kuskokwim River and the Iditarod mining district, to Kaltag, on the Yukon, where it joins the main route of overland mail and travel westward to the Seward Peninsula. This route, besides supplying a means of communication to a large and growing district in the interior, now very much isolated, becomes also a short line for mail and communication from the open water of the coast to the military posts of Fort St. Michael and Fort Davis, near the town of Nome, on Bering Sea. It is the smallest amount considered absolutely necessary to cut through a primitive winter trail for dog teams and single horse sleds for a distance of more than 400 miles, and the route is a part of the general system of cross-country communication laid out by the Board of Road Commissioners, for which appropriations have heretofore been made under the head of "Military and post roads, bridges, and trails, Alaska." The sum of \$100,000 already appropriated by the House of Representatives is \$25,000 less than the amount estimated by the board as necessary for the repair and maintenance of the roads already constructed under this head, and to divert any portion of that amount to the work here proposed would be a loss to the work already constructed, of equal importance, and which the board considers its first duty is to maintain.

The imperative necessity for this additional sum at this time is due in a measure to the rapid developments which have taken place in the interior district of the Iditarod, above referred to, where there are at present approximately 3,000 people, who are receiving but one mail a month via a circuitous route—Valdez-Fairbanks, down the Yukon to Kaltag, and back to the Iditarod, a distance more than twice that of the proposed new route from Cook Inlet. (W. P. Richardson, major, Thirtieth Infantry, United States Army, president Board of Road Commissioners for Alaska.)

The VICE PRESIDENT. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Militia Affairs was, on page 46, after line 23, to insert:

Transportation of officers' horses: The accounting officers of the Treasury are hereby authorized and directed to remove any suspensions in the accounts of quartermasters for the fiscal years 1909 and 1910 for payments for the transportation of officers' authorized horses during the said period; and payment from unexpended balances in the Treasury of the appropriation "Transportation of the Army and its supplies" for the fiscal years 1909 and 1910, is hereby authorized and directed to be made to common carriers having claims against the United States for transportation of officers' authorized horses during the period hereinbefore mentioned; and reimbursement is hereby authorized and directed, from unexpended balances hereinbefore mentioned, to officers of the Army for payments made by them to disbursing officers on account of suspensions made by the accounting officers of the Treasury for transportation of their authorized horses.

The amendment was agreed to.

The next amendment was, under the subhead "Ordnance Department," on page 56, line 14, before the word "the," to strike out "That for" and insert "For," so as to make the clause read:

National trophy and medals for rifle contests: For the purpose of furnishing a national trophy and medals and other prizes to be provided and contested for annually, etc.

The amendment was agreed to.

The reading of the bill was concluded.

Mr. BULKELEY rose.

Mr. WARREN. There are certain committee amendments which I will first offer. I offer the following amendment.

The SECRETARY. On page 5, line 17, after the word "dollars," insert a comma and the words "of which sum \$25,000 shall be immediately available."

The amendment was agreed to.

Mr. WARREN. I offer the following amendment.

The SECRETARY. On page 34, line 9, after the word "mounts" at the end of the line, insert a comma.

The amendment was agreed to.

Mr. WARREN. I offer the following amendment.

The SECRETARY. On page 34, line 10, after the word "Engineers," strike out the semicolon and insert in lieu a comma.

The amendment was agreed to.

Mr. WARREN. I offer the following amendment.

The SECRETARY. On page 37, line 10, after the word "on," insert "or near."

The amendment was agreed to.

Mr. WARREN. I ask the Clerk if, on page 40, lines 12 and 18, he has inserted a comma after the word "official."

The VICE PRESIDENT. That has been done.

Mr. WARREN. I offer the following amendment.

The SECRETARY. On page 41, line 3, it is proposed to amend the committee amendment, after the word "That," by inserting the word "hereafter."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. WARREN. I offer the following amendment.

The SECRETARY. On page 56, between lines 12 and 13, insert as a paragraph the following:

The Secretary of War is hereby authorized and directed to release to the city of St. Augustine, Fla., a strip of land not exceeding 23 feet in width on the north line of the Fort Marion Reservation for the purpose of restoring the street formerly known as Clinch Street, extending from San Marco Avenue, on the western boundary of said reservation, eastward to the Matanzas River.

The amendment was agreed to.

Mr. WARREN. I offer the following amendment.

The SECRETARY. On page 57, line 19, strike out the words "until expended" and insert "and to remain available until the end of the fiscal year 1913."

The amendment was agreed to.

Mr. WARREN. I ask the Secretary to turn to page 5, line 18, where, after the word "than," I move to strike out "two hundred and fifty" and insert "one hundred and twenty-five."

The SECRETARY. On page 5, line 18, before the word "thousand," strike out "two hundred and fifty" and insert "one hundred and twenty-five."

Mr. HEYBURN. Mr. President—

Mr. WARREN. In line 19—

Mr. HEYBURN. I rose to ask to have the proviso read as amended. It will perhaps be better for the Senator to conclude the amendments to the proviso.

The VICE PRESIDENT. Without objection, the amendment is agreed to.

Mr. WARREN. In line 19, after the word "for" cut out the remaining three words, "any purpose except."

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. In line 19 strike out the last three words in the line, "any purpose except."

The VICE PRESIDENT. Without objection, the amendment is agreed to.

Mr. HEYBURN. How will the proviso now read?

The VICE PRESIDENT. It will be read.

The Secretary read as follows:

Provided, however, That not more than \$125,000 of said amount shall be used for the purchase, maintenance, operation, and repair of aeroplanes and other aerial machines.

The VICE PRESIDENT. Does the Senator from Wyoming desire to offer any further amendments from the committee?

Mr. WARREN. I do not.

Mr. BULKELEY. I desire to offer an amendment, to come in on page 49, after line 9.

Mr. WARREN. I will ask if that is the dental-surgeons amendment.

Mr. BULKELEY. It is. A bill for the purpose has passed the Senate twice.

Mr. WARREN. The bill has passed the Senate twice and, I think, has been favorably reported on the other side in a former Congress. I am inclined to accept the amendment.

The VICE PRESIDENT. The amendment will be read.

The SECRETARY. On page 49, after line 9, insert:

Hereafter there shall be attached to the Medical Department of the Army a corps of dental surgeons, which corps shall not exceed in number the actual requirements nor the proportion of 1 to 1,000 authorized by law for service in the Regular Army, and all original appointments to said corps shall be made to the rank of first lieutenant. The appointees must be citizens of the United States, between 22 and 30 years of age, graduates of standard American dental colleges, of good moral character, and of unquestionable professional repute, and shall be required to pass the usual physical examination and a professional examination which shall include tests of skill in practical dentistry and of proficiency in the usual subjects in a standard dental college course: *Provided*, That dental surgeons attached to the Medical Department of the Army at the time of the passage of this act may be eligible to appointment, three of them to the rank of captain and the others to the rank of first lieutenant, on the recommendation of the Surgeon General, and subject to the usual physical and professional examinations herein prescribed: *Provided further*, That the professional examination may be waived in the case of dental surgeons whose efficiency reports and entrance examinations are satisfactory to the Surgeon General; and the time served as dental surgeons under the act of February 2, 1901, shall be reckoned in computing the increase service pay of such as are appointed under this act. The pay, allowances, and promotions of dental surgeons shall be fixed and governed by the laws and regulations applicable to the Medical Corps; that their right to command shall be limited to the members of the dental corps;

that their right to promotion shall be limited to the rank of captain after five years' service and to the rank of major after ten years' service: *Provided*, That the number of majors shall not at any time exceed one-eighth nor the number of captains one-third the whole number in the said dental corps. The Surgeon General of the Army is hereby authorized to organize a board of three examiners to conduct the professional examinations herein prescribed, one of whom shall be a surgeon in the Army and two of whom shall be selected by the Surgeon General from the contract dental surgeons eligible under the provisions of this act to appointment to the dental corps. The annulment of contracts made with dental surgeons under the act of February 2, 1901, shall be so timed and ordered by the Surgeon General that the whole number of contract and commissioned dental surgeons rendering service shall not at any time be reduced below 30.

The PRESIDING OFFICER (Mr. KEAN in the chair). The question is on agreeing to the amendment submitted by the Senator from Connecticut [Mr. BULKELEY].

The amendment was agreed to.

Mr. BRIGGS. On page 57, after line 21, at the end of the bill, I move to insert what I send to the desk.

The PRESIDING OFFICER. The amendment will be read.

The SECRETARY. On page 57, after line 21, insert:

Upon the passage of this act every line officer on the active list who has lost in lineal rank through the system of regimental promotion in force prior to October 1, 1890, shall be immediately advanced to the grade and position that he would have held had promotion been lineal throughout his arm or corps since the date of his entry into the arm or corps in which he is now serving, with rights of promotion in accordance with his new rank: *Provided*, That the officers advanced to a higher grade under the provisions of this act shall be additional officers in the grades to which they are promoted and in the grades to which they shall thereafter be promoted by seniority: *And provided further*, That nothing in this act shall operate to interfere with or retard the promotion or assignment to which any officer would be entitled under existing law.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from New Jersey [Mr. BRIGGS].

Mr. ROOT. Have we any information as to the number of extra officers who will be covered by the amendment?

Mr. WARREN. A similar bill was reported favorably in the House and we have the House report before us.

Mr. ROOT. I am not ready to vote on this proposition, sir. I think it is a subject which ought to receive consideration. It is attempting to go back and reverse the order of promotion in the Army which has obtained for 20 years past. I do not like to see the Army concentrating their attention too much upon their own rank, their own promotion. I think we ought to know whether there is a real injustice that has endured for these 20 years and which we ought to cure by advancing these gentlemen, and we ought to know how much and how many the advances are to be.

Mr. President, I raise the question as to whether the amendment is in order. It seems to me to be new legislation.

Mr. WARREN. Mr. President, if the Senator will withhold the point of order for a moment, I will simply say the measure is one which has passed the Senate once or twice, that it is a measure that has been favorably considered on the House side and reported from the House Military Affairs Committee, and hence the chairman of the committee in charge of this bill saw no reason why he or the committee should object. I think it is very proper that there should be put into the Record some explanation of it and that a thorough understanding should be reached.

Possibly a brief statement from the Senator from New Jersey [Mr. BRIGGS], who offers the amendment, would put the Senator from New York in possession of the facts.

Mr. BACON. Mr. President, I hope the Senator from New York will not insist on his point of order and let the amendment be passed upon by the Senate on its merits, at least. There is not much opportunity for it to be done otherwise than upon this bill.

I confess I do not sympathize with the criticism of the Senator from New York on the sensitiveness of Army officers in reference to their rank. That is about the principal thing they have in life. Their sphere is very much more circumscribed for personal gratification and personal advantage than that of a Senator of the United States or of anyone else who is in official position. An officer's rank is almost as dear to him as his character would be. Of course his character is more dear than anything else, but his rank comes next, possibly, so far as he is personally concerned.

If I understand it, there would be very little expense to the Government if this is done. It is true that additional officers are to be appointed, but they are not officers whose appointment will add permanently to the number of officers in the Army. Their appointment is in effect on the number of officers temporary simply. They are advanced to a certain grade and when they die or are retired their places are not filled, and when they have passed from the scene there will be no more officers in the Army than there are now.

As I understand the proposition, these officers have been unfortunate in not having kept pace with their brother officers by reason of the former law, which confined promotions to promotions in their particular regiments. I understand the purpose is simply to give them these increased ranks without displacing anybody else. The scheme is to do it in such a way as not to do injustice to any other officer, if I understand it correctly. There will be, of course, officers appointed in addition to make up the number which have been added by this promotion, but it is not, I repeat, an addition of a permanent character.

These officers are most of them old men. If I understand it, Mr. President, the difficulty grows out of this fact. Of course the Senator from New York knows more about this subject than I possibly can know. He was once a distinguished Secretary of War. But if I understand it correctly, the old law confined an officer's opportunity for promotion to vacancies in his own regiment. Therefore two officers may have graduated at the same time at West Point and then they went into the service together, one in one regiment and the other in another. One of those officers, by reason of vacancies occurring through death or otherwise, would be advanced to the position of a field officer—a major, lieutenant colonel, or colonel—while his classmate, who graduated at the same time, who went into another regiment, by reason of the differing conditions and differing circumstances at that same time may not have risen above the rank of captain or first lieutenant.

It was seen that great injustice was done to officers of the Army by that method of promotion, and we changed the law so that officers, when vacancies occur, are now promoted without regard to their regimental affiliations or connections, and an officer is now promoted according to his time of service and the relative rank he has in the Army at large, or in his branch of the service, and his promotion is not confined to the accident of vacancies in his own regiment.

Growing out of that change in the law it happens, I understand, that there are some officers who started with their fellows who have performed no more meritorious service, who started on the same level, and yet by accidents of vacancies in their regiments, before the change of the law, had far advanced beyond the rank of the officers with whom they had thus started on a level.

This proposition is, as I said, confined in its effect to officers who are old men, men to whom their rank is dear, and justly dear; and it ought to be dear to them, and we ought to protect them in it, if we can.

Now, this is simply a proposition that whereas these inequalities have grown up under this system, we will try to remove them, and without displacing any officer or giving him any inferior relative rank. It is simply putting these old officers abreast of the fellows with whom they started; and when I say "fellows," I am not using the word in the ordinary acceptance. I mean those with whom they were associated; those who were on an equality with them. It is simply to put them abreast of them.

And, Mr. President, are they not entitled to it? They are men who have given their whole lives and devoted them exclusively to the public service, and the character of whose services is such that they can not have had any advantages such as others of us in the public service have had. Is it not right that we should now equalize them, if we can do it without doing an injustice to anybody, without putting anybody down, without putting anybody ahead of anybody else, but simply putting them abreast with those with whom they started, when in a few years the whole thing will pass away and we will have the same number of officers at last that we have now?

I confess, Mr. President, it appeals to me very strongly, and I hope the Senator from New York, the former Secretary of War, the former head of the Army, will agree with us who have not had the same connection with it in doing this simple act of justice to these old officers.

Mr. BRIGGS. Mr. President, of course the Senator from New York is as well aware as anyone in this body of the injustice and inequalities that have come up under the old system of regimental promotion, but for the information of the Senate I am going to give one instance:

At the time of the Custer massacre and shortly after the cadets who had graduated in that year had been assigned to their regiments, nearly all as second lieutenants—nearly all the first lieutenants of the Seventh Cavalry were killed—two or three young men, fresh from the academy, who had not joined their regiments and did not join them until two or three months afterwards, had been assigned to the Seventh Cavalry. Of course, under the system of regimental promotion they

were promoted to the grade of first lieutenant, and officers who had graduated several years before were transferred to the Seventh Cavalry and placed below them. That is only one example of what was likely to occur at any time under the system of regimental promotions.

In regard to the number of officers benefited and the expense, the report which I send to the desk on a similar bill in the House of Representatives states the number of officers. I think in all there are something like 20 officers. The expense the first year will be \$96,000, and it will pass away, as the Senator from Georgia has said, as these men are placed on the retired list. They are nearly all men who have, at the most, but five or six years to serve. It seems to me that it is a matter of justice that they be accorded the right to retire in their proper place on the rolls of the Army.

I hope the Senator from New York will withdraw the point of order.

Mr. ROOT. I withdraw my point of order.

The PRESIDING OFFICER. The Senator from New York withdraws the point of order, and the question is on agreeing to the amendment.

Mr. DU PONT. I ask that the report may be read.

Mr. WARREN. Unless some one desires to have it read, since the point of order is withdrawn, would not the Senator from New Jersey be as well satisfied to have the House committee report inserted in the RECORD without reading? I dislike to take so much time when the Senator from Washington [Mr. JONES] is ready to take the floor.

Mr. BRIGGS. Very well. It is not a long report.

The PRESIDING OFFICER. Without objection, the report will be printed in the RECORD.

The report is as follows:

[House Report No. 2059, Sixty-first Congress, third session.]

The Committee on Military Affairs, to whom was referred the bill (H. R. 24013) to remedy in the line of the Army the inequalities in rank due to the limited application given section 1204 of the Revised Statutes of the United States, having considered the same, report thereon with a recommendation that it be amended by striking out all after the enacting clause and inserting the following:

"That upon the passage of this act every line officer on the active list who has lost in lineal rank through the system of regimental promotion in force prior to October 1, 1890, shall be advanced to the position that he would have held had promotion been lineal throughout his arm or corps since the date of his entry into the arm or corps in which he is now serving: *Provided*, That the officers so advanced shall be additional officers in the grades to which they are promoted, and nothing in this act shall operate to interfere with or retard the promotion or assignment to which any officer would be entitled under existing law."

As thus amended the committee recommend that the bill do pass. The bill as amended does not deprive any officer of rank or promotion in the Army, as it provides—

"That the officers so advanced shall be additional officers in the grades to which they are promoted, and nothing in this act shall operate to interfere with or retard the promotion or assignment to which any officer would be entitled under existing law."

The Secretary of War was called upon for a report on a similar bill during the Sixtieth Congress, and following is the report received:

WAR DEPARTMENT,
Washington, April 1, 1908.

Respectfully returned to the chairman Committee on Military Affairs, House of Representatives.

I have carefully read this bill (H. R. 16502) and the accompanying memorandum thereon by the Chief of Staff.

I fully and cordially concur in this effort to bring about a gradual readjustment of rank for the sole purpose of promoting the greater efficiency of the Army. At the same time I think the officers who have lost rank through no lack of merit and no fault of their own have a just claim in equity and are entirely deserving of the relief contemplated by this bill. Though it will result in depriving some other officers of enjoying still further advantages, gained through no merit of their own over less fortunate comrades, it will not deprive them of any rank already gained, neither will it prevent their ultimate rank as high as they would attain were the present inequitable condition continued. On the contrary, unless the present condition be rectified many officers now in the Army will be deprived of ever rising even as high as colonel, and a number of others could not go beyond the rank of major before being retired for age.

WM. H. TAFT, Secretary of War.

Lists showing the present and lineal rank of all officers concerned have been prepared, and from these the effect of the bill (which is simply H. R. 24013 as originally introduced stated in a simpler form) on the officers concerned.

From these we ascertain that immediately on the passage of the bill—were it to become a law to-day—the following promotions would result:

In the Cavalry the following lieutenant colonels would become additional colonels: Watts, Bishop, Edwards, and Sibley. The following majors would become additional lieutenant colonels: H. L. Scott, McCormick, Sichel, H. J. Slocum, Nicholson, Brewer, Foster, Blocksom, and Galbraith.

As the first four additional lieutenant colonels (Scott, McCormick, Sichel, and Slocum) simply take the places of the four additional colonels, they are no additional expense to the Government, this additional expense being for—

4 additional colonels, at \$5,000 each	\$20,000
5 additional lieutenant colonels, at \$4,500 each	22,500
9 additional officers	42,500

The nine promotions which as a result follow in the lower grades are no additional expense, as these officers take the pay of those of the next grade above who have been promoted.

In the Infantry the following lieutenant colonels would become additional colonels: Lassiter, Cecil, Young, Mann, Buttler, Febiger. The following majors would become additional lieutenant colonels: Kirby, Howe, Pendleton, Noyes, Truitt, Parke, Howell, May.

As the first six lieutenant colonels (Kirby, Howe, Pendleton, Noyes, Truitt, and Parke) take the place of the six lieutenant colonels just promoted to additional colonels, they are no additional expense to the Government, this additional expense being for—

6 colonels, at \$5,000-----	\$30,000
2 colonels, at \$4,500-----	9,000
	39,000

The eight promotions which follow in the lower grades are no additional expense, as these officers take the pay of those in the next grade above who have been promoted.

In the Field Artillery there is but one officer, Lieut. Col. Hoyle, to be promoted, he being made an additional colonel, at an expense of \$5,000. The resulting promotions in the lower grades are no extra expense, as these officers take the pay of those in the next grade above who have been promoted.

In the Coast Artillery the following majors would become additional lieutenant colonels: Ruckman, Haynes—two lieutenant colonels, at \$4,500, \$9,000.

The two promotions which follow in each of the lower grades are no additional expense, as these officers take the pay of those in the next grade above who have been promoted.

The following, therefore, is the summary of the expense:

Cavalry:	
4 colonels, at \$5,000-----	\$20,000
5 lieutenant colonels, at \$4,500-----	22,500
Infantry:	
6 colonels, at \$5,000-----	30,000
2 lieutenant colonels, at \$4,500-----	9,000
Field Artillery: 1 colonel, at \$5,000-----	5,000
Coast Artillery: 2 lieutenant colonels, at \$4,500-----	9,000
Additional officers (20)-----	95,500

Those who have worked out the details of this matter find that there is a possibility of the number of additional officers being at some time as high as 26, though the probabilities are that it will never go above 22.

Indirectly some 80 other officers—19 in the Cavalry, 56 in the Infantry, and 14 in the Artillery—are benefited by gaining in files only, finding themselves higher up on their respective lists and therefore nearer promotion. As each officer who lost rank is "advanced to the position that he would have held had promotion been lineal," these officers gain in proportion to what they have lost, though generally they do not gain all that they have lost, for this can not be done without retarding the advancement of those who have gained by regimental promotion.

THE PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New Jersey [Mr. BRIGGS]. The amendment was agreed to.

Mr. BACON. If the committee has finished with its amendments, I desire to bring an amendment to the attention of the Senate. I am not sufficiently familiar with the bill to indicate the point at which I desire to have the amendment inserted if it should meet with the approval of the Senate. I desire that there should be an amendment increasing the item of \$300,000 wherever it occurs for the equipment of the coast volunteer organizations, or, at least, the equipment of the coast volunteer organizations included in the item.

Mr. WARREN. Probably the Senator alludes to what appears on page 23, under the heading "Equipment of Coast Artillery, armories, Organized Militia."

Mr. BACON. That is the item with which the appropriation of \$300,000 is connected. I desire to offer an amendment, which I trust the committee will accept, increasing the appropriation of \$300,000 by the amount of \$38,170. I wish to make a statement as to the importance of that increase.

THE PRESIDING OFFICER. The Senator from Georgia offers an amendment, which the Secretary will read.

Mr. BACON. I have it not formulated, but the clerks will understand the particular point at which it comes.

The importance of the amendment is found in the facts which I am about to state. A part of our present volunteer military organization, or National Guard organization, is in those organizations which are trained in the use of coast artillery at the various coast defenses.

It seems that there is a department in the Government called the Division of Militia Affairs, which makes estimates of the amounts required for equipments in order that these organizations may be effective. The Chief of the Division of Militia Affairs, in his report, which I have not at hand but which is cited in the correspondence which I have before me, and which I shall subsequently have read, estimates that for the volunteer organization at Savannah for use at Fort Screven there is required the sum of \$38,170 to furnish what is known as the dummy equipment. Owing to the desire to cut down estimates generally as much as possible, that was cut out, although it was originally included.

I would hand this correspondence to the Secretary to read but for the fact that it is not necessary to read it all. I can

read it more readily, selecting the parts myself, than I can indicate them to the Secretary. I will just read a small part of it. I have before me a letter from the Secretary of War.

Mr. WARREN. Shall I call the Senator's attention to the estimate I have here? Perhaps it will assist him in arriving at some conclusion. I find here in the estimates that the Chief of the Coast Artillery recommended various States and the number of companies of Organized Militia from each State which should participate in the drills and maneuvers in conjunction with the Regular Army, including the Coast Artillery. He says this:

The amount estimated for the year 1910—11 was sufficient to provide an installation as indicated.

Mr. BACON. I can not hear what the Senator is reading.

Mr. WARREN. Well, I shall not undertake to read it, but will state that the report here is that the amount appropriated will cover certain points.

Mr. BACON. I know.

Mr. WARREN. And that they are arranging for certain other points, and as soon as plans, and so forth, can be submitted, then the estimates will be submitted for the other points. I presume that Savannah is one of the places that was delayed and was not estimated for in the official estimate.

Mr. BACON. The Senator is mistaken; Savannah was estimated for.

Mr. WARREN. About what am I mistaken?

Mr. BACON. If the Senator had allowed me to proceed I would have gotten through and shown him exactly.

Mr. WARREN. We have the estimates here from the Treasury Department.

Mr. BACON. I understand that; but, as I have stated, the estimate made by the Chief of the Division of Militia Affairs is \$38,170.

Mr. WARREN. Very well, and it got no further. The estimate that comes to the Congress does not come from the employees of the department, but comes from the Treasury of the United States—the Secretary of the Treasury.

Mr. BACON. I do not differ from the Senator at all as to that, but the Senator has not permitted me to state the reason for this and the exact status of it.

Mr. WARREN. I wanted to advise the Senator as to it, so that he might place his argument upon the proper basis.

Mr. BACON. But I have a letter in my hand from the Secretary of War which does not indicate that that is the proper basis, and I was trying to read it.

Mr. President. I hold in my hand correspondence between Representative EDWARDS from my State, who represents the district in which Savannah and Fort Screven are situated, and the Secretary of War. Without going through the entire correspondence, I will read first a short extract from Mr. EDWARDS's letter to me under date of January 14:

The bill as it passed the House carries \$300,000. You will note from the letter of Secretary Dickinson that it is not his intention to apply any part of the \$300,000 carried in the bill to the equipment of the Savannah Volunteer Guards.

I want to state that the Savannah Volunteer Guards is a battalion, not simply one company, but several companies, and that they are Heavy Artillery companies. They were formerly infantry. It is an organization of long standing and high perfection.

Mr. WARREN. There are two companies, are there not?

Mr. BACON. At least two, if not three; but certainly two.

Mr. WARREN. The report is that there are two.

Mr. BACON. And they are first class, too.

Mr. WARREN. There is no doubt about that.

Mr. BACON. They are extraordinary in their excellence, and very much above the ordinary militia volunteer companies.

The Secretary of War wrote a letter to Mr. EDWARDS in regard to this matter. I will say first, however, that the purpose of the amendment is to furnish dummy armament. Under date of December 19, 1910, this information was given by the War Department:

The item for appropriations for dummy armament for armories of Coast Artillery troops of Organized Militia is included in the Army appropriation bill. The amount necessary to make the installation for Savannah, as given on page 51 of the Report of the Chief of the Division of Militia Affairs, is \$38,170. If Congress should increase the amount for dummy armament by the amount specified, it would be possible for the department to make the installation as soon as manufactured; otherwise it would be necessary to await future appropriations.

A letter from one of the officers of that company showing the necessity for the equipment recites this fact:

Included in the equipment which the War Department desires to furnish to the Savannah Volunteer Guards, that being the Coast Artillery Corps of Georgia, is what is known as dummy armament. This consists of a complete model of a 10-inch disappearing gun and also a complete model of a 12-inch mortar. Two of our companies are assigned for duty at the disappearing guns and two at the mortar bat-

tery at Fort Screven. It is essential that we have the equipment, including the dummy armament, upon which the men can be regularly drilled in order that we may attain that degree of proficiency which would render us of immediate value to the Government in case of need.

The Government has already sent to us a large quantity of equipment, including plotting boards, range-finding instruments, etc., which remain practically useless to us until we can have the dummy armament (model gun and mortar) in connection with which it can be used.

That is the necessity for it. That is not a play organization by any means; it is an organization which, when properly drilled, can man the heavy guns at Fort Screven. Here is what the Secretary of War says as to the purpose of the department under the \$300,000 appropriation:

This year, in view of the necessity for rigid economy, Army estimates are greatly reduced, and the total amount asked for, for armory installation, was only \$300,000. This is barely sufficient to equip the armories at Seattle and Tacoma, Wash.; Astoria, Oreg.; San Francisco and San Diego, Cal.; Boston, Mass.; Brooklyn, N. Y.; and New York, N. Y. (2); and at Bridgeport, Conn.

Not a single dollar for any coast defense south of Cape Charles or around the entire Gulf coast; but all of it for the Pacific coast and the North Atlantic coast. I will say, Mr. President, that this is certainly a case where Congress should supply the needed dummy armament.

Mr. WARREN. The committee is willing that the amendment should go in the bill and go to conference.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 23, in line 14, before the word "dollars," it is proposed to strike out "three hundred thousand" and to insert "three hundred and thirty-eight thousand one hundred and seventy."

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

MISSOURI RIVER BRIDGE AT ATCHISON, KANS.

Mr. STONE. Mr. President, Mr. McKINLEY, a Member of the House of Representatives from Illinois, requested me to introduce for him a bill to have a bridge constructed across the Missouri River. There is pressure for it now. The bill has been reported from the Committee on Commerce. It is merely a bridge bill, and I ask unanimous consent that it may be taken up and passed at this time. It is Senate bill 10594.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 10594) to authorize S. G. Guerrier, of Atchison, Kans., to construct a bridge across the Missouri River near the city of Atchison, Kans.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SENATOR FROM ILLINOIS.

The PRESIDING OFFICER laid before the Senate the report of the Committee on Privileges and Elections relative to certain charges relating to the election of WILLIAM LORIMER, a Senator from Illinois, by the legislature of the State, made in obedience to Senate resolution No. 264.

Mr. BAILEY. Mr. President, I had intended to address the Senate on the day after to-morrow on this matter; but the calendar shows that all of that day and, with the announcements which have been made this morning, every day of this week has been preempted. While I am rather averse to giving these notices, I am persuaded that unless I do so I will be in the way of somebody else who may desire to address the Senate; and believing, as I do, that this matter ought to be brought to a conclusion with as little delay as possible, and in order that I may not get in the way of anybody else who desires to address the Senate on it or on any other question, I now give notice that at 2 o'clock on Monday next, that being the first day open, I will address the Senate on the report of the Committee on Privileges and Elections.

Mr. JONES. Mr. President, ordinarily we accept the conclusion of a committee upon any matter that it has carefully considered, even though we may have some doubts as to its correctness. We are especially justified in so acting when that conclusion is reached by the almost unanimous judgment of the committee. In fact, with the hundreds of bills reported upon hundreds of different subjects, we must be guided largely by the decision of the committee. Whatever may be the verdict of the Senate on the question now under consideration, the country should not overlook the fact that in this case, involving the election of a Republican to this body, only one Democrat and only one Repub-

lican hold that the evidence shows the election of Mr. LORIMER to be void. Only one of these heard the testimony, saw the witnesses, and was able to weigh their evidence in the light of their appearance and demeanor while testifying. The very fact that seven Republican Senators and four Democratic Senators, men of as high character and ability as any in this great body, have, after hearing and considering the testimony most carefully, agreed that the election of Mr. LORIMER was valid and not secured by fraud should make those at least who have not read the testimony hesitate to denounce their conclusion and charge them with favoring fraud and corruption and with a disregard for the rights of the people.

There are those who seem to delight in finding something wrong with our public men and who grasp eagerly any evil charge against them and assume it to be true. There is a hysterical "holier-than-thou" class who see nothing but evil in those who do not agree with them in their opinions and judgments and who encourage the people to believe that the Government will be ruined and our liberties lost unless they and their dogmas are implicitly accepted and followed. Such may sometimes lead the people astray, but upon great policies, whether in finance, commerce, or any other great business or governmental activity, I believe that the ultimate aggregate judgment of the people is very apt to be correct, and a legislator is justified in following and carrying out that judgment and will, even though it may be contrary to his individual or preconceived opinion.

There is a widespread belief that improper influences have often been exerted in the selection of United States Senators, as well as other officials. This belief, I fear, is well founded; I wish it were not. This belief, however, even though well founded, does not justify us or the country in assuming in any particular case that charges of bribery and corruption are true, but every such case should be decided only after a careful investigation of all the evidence for and against such charge. There also is a widespread belief that our public men are dishonest and corrupt. I do not want to believe this; I do not believe it. Instead of hunting for corruption, let us look for purity. Our search will more often be rewarded, and the pleasure certainly will be much greater. Instead of looking for dishonesty, let us look for integrity. Instead of looking for sordid and treasonable motives, let us look for lofty ideas and patriotic sentiments. The world will look better, life will be sweeter, and our pride in our Government, its officers and institutions, will be wonderfully strengthened, and our public servants will be truer to their trust by knowing they have the confidence of the people. It is not much encouragement to a man to do right to feel that he receives no more credit than if he does wrong.

The vilification of public men who have made our country great, and who have made the history of the last 30 years of which we are so justly proud, is a shame and a disgrace to our people. Instead of holding these men up to scorn and ridicule, and instead of charging them directly or by innuendo with being enemies of the people and dangerous to our liberties, we should teach our children to honor and respect them as honest, great, and patriotic men, worthy of our highest respect and emulation. When I lose confidence in the honesty, integrity, and patriotism of our public men, I shall despair of the Republic.

On the question now before the Senate we have the almost unanimous report of the committee. This report is not to be lightly or sneeringly cast aside, nor is the honesty and sincerity of those who made it to be questioned here or elsewhere. If its judgment is indorsed by this Senate, those who have heard but one side should not condemn such action simply because there is a general belief that bribery is common in election cases or that bribery was used in the election of Mr. LORIMER. And if that verdict is not sustained the public should not then exultantly rejoice that the Senate has found that his election is illegal and void by reason of corruption and bribery.

Mr. President, I believe most earnestly in the purity of our elections. The exercise of the elective franchise is one of the highest rights and duties of the American citizen; and every vote, whether in the legislature, in primaries, or regular elections, should be honestly cast and honestly counted; and the strongest and swiftest condemnation should be visited upon corruption or attempted corruption of the ballot of any kind or character. Elections to this body should be above suspicion. It is of transcendent importance that every safeguard should be thrown around the membership of the Senate so that the people may feel that its Members hold their positions by the free and undefiled will of those whose duty it is to select them, and that every Member of this body is free from all sinister influences and is here to do only the will of the people and the States he represents.

Representative government rests largely upon the purity of its elections. Hence any question involving a seat in this body is one of tremendous magnitude. It really is not a legislative question, involving policies upon which there may be honest differences of opinion and upon which we may be justified in waiving our individual judgment and opinions in deference to the opinion and judgment of the committee which has given it special consideration. As the chairman of this committee said in his powerful address, we are "a court composed of 92 judges, each oath bound to support the Constitution of the United States," which makes us the judges of the election and qualifications of our Members. We do not discharge our full duty in this case, however, by simply accepting the judgment of the committee. There is an individual responsibility that can not be shirked, and every Senator must, and in my judgment will, vote on this case as his judgment and his conscience dictate, unmoved by "public clamor, however boisterous, or private appeals, however potential and commanding." My sense of duty and responsibility as a judge in this case has led me to read and reread the testimony taken and the briefs and arguments of counsel as well as the addresses of the Senators who have thus far spoken. I have endeavored to stay within the record. Newspaper statements have been thrown to the wastebasket without reading and outside statements have been disregarded.

I hoped to agree with the committee in its conclusions; I wanted to do so. I wanted to do it because I would like to find all elections to this body honest and free from corruption. I also wanted to agree with them because of my high personal regard for the Senator whose seat is in question. I served with him in the House of Representatives; I served with him on the same committee, and have the highest personal regard for him as a man and a legislator. I have read with interest and with much satisfaction the story of his life, which has appealed to me as one that should be an inspiration to every struggling youth in the land. The story of his character, history, and achievements, condensed in a few words by the senior Senator from Kentucky, is one to command our respect and admiration, and it is one that should make every man hesitate long before voting to deprive him of a seat in this exalted tribunal, to which he holds a certificate from one of the great States of the Union.

The Senator from Kentucky said that Mr. LORIMER's father died, leaving a widow and six children, in 1871, and—

Upon WILLIAM LORIMER, the eldest child, then 10 years of age, fell the burden of relieving the rest of the family from want. It was a heavy burden for one so young to assume. He had the courage and tenacity of the race from which he sprang, and by peddling newspapers, blacking boots, and running errands he kept the rest of the family from want. As his strength and ability increased the comforts of the family correspondingly increased. Besides, he thus enabled the other children to attend school. He had but little time to devote to his education, as most of his time was given to supporting the family, so that the other children might be afforded an opportunity to acquire an education. He worked in the stockyards, on the street car, as a house painter, building contractor, real estate dealer, brick manufacturer, and in the end became a general contractor. His industry and ability gave him success. He has been a man of perfect morals. He has a wife and eight children, and his domestic life is beautiful.

He might have added that Mr. LORIMER was elected seven times to represent the people of his district in the House of Representatives of the United States Congress, and that during that time no charge affecting his personal honesty and integrity has been made against him. Such a character is not to be lightly torn down, and such a character and such accomplishments should cause Senators and the people of this country to hesitate before they condemn this man upon a charge that he has purchased a seat in this great body.

The testimony was taken and the evidence heard by a subcommittee of seven members. This subcommittee reported to the full committee, and the full committee holds that—

There was no testimony offered during the investigation which would tend in the remotest degree to implicate Senator LORIMER in any personal act of bribery or attempted bribery or corrupt practices of any kind.

This finding is agreed to by all the committee except two, and one of these, the Senator from Tennessee, says in his separate statement:

While there are some facts and circumstances in this case tending to show that Senator LORIMER may have heard of or known that corrupt practices were being resorted to, and while Senator LORIMER failed to avail himself of the opportunity of going on the stand as a witness and denying any such knowledge or sanction of corrupt practices, if any such were practiced, still I am of the opinion that the testimony fails to establish the fact that Senator LORIMER was himself guilty of bribery or other corrupt practices, or that he sanctioned or was cognizant of the fact that bribery or other corrupt practices were being used by others to influence votes for him.

The law seems to be well settled that—

To deprive a sitting Member of the Senate of his seat the Senate must be satisfied by legal evidence that he was personally guilty of bribery or that he was personally connected with the bribery or the

corrupt use of money to procure his election or that he had personal knowledge of such corrupt use of money or personally sanctioned the use thereof to insure his election.

The subcommittee unanimously, and the full committee excepting one member, agree that Mr. LORIMER is not personally guilty of bribery, and that he is not personally connected with the bribery or corrupt use of money to procure his election, and that he had no personal knowledge of such corrupt use of money, and that he did not personally sanction the use of money to insure his election, and in this conclusion I am willing and glad to concur. I am most reluctantly compelled, however, to dissent from its conclusion that—

the title of Mr. LORIMER to a seat in the Senate has not been shown to be invalid through the use or employment of corrupt methods or practices.

The law seems to be equally well settled that if the Senate is—

satisfied by legal evidence that a sufficient number of the members of the legislature were bribed by the friends of the sitting Member to secure enough votes of the members of the legislature to insure his election, and that without the votes thus corruptly obtained the sitting Member would not be declared elected—

then the election of the sitting Member is void.

After a careful study of the evidence in this case, and the briefs and arguments of counsel, I am forced to the conclusion that members of the Illinois Legislature voting for Mr. LORIMER were bribed, and that as the result of their bribery they cast their votes for him, and that a sufficient number of the members of the Illinois Legislature were so bribed and so cast their votes as to insure his election, and that without them he would not have been elected on the 26th of May, 1909.

The testimony has been analyzed again and again, and I shall not go into it more fully than I feel is absolutely necessary. In weighing the testimony in this case, we can not overlook the conditions that all seem to agree existed not only during the legislature which elected Mr. LORIMER, but which apparently had existed for some time. There seems to have been a general system of taking of money for use to further or throttle legislation. The committee finds that there was a jack-pot fund that was used for or against legislation. It had been in existence for many years. It had become a well-known appurtenance of the Illinois Legislature. There seemed to be a general understanding that such a fund existed and that after the adjournment of the legislature it would be distributed. This throws much light, it seems to me, upon the testimony of the witnesses in this case who confessed that they were paid money after the election, but that no promise had been made to them before that they were to receive any money, and also that when they did receive the money they asked no questions. It was not necessary to promise any money; it was not necessary to ask why the money was paid. This was a part of the system. When Link and Beckemeyer and Holstlaw were asked to forsake their party and party principles and cast their votes for one of opposite faith, they knew what to expect without asking why or making any promises.

The Senator from South Dakota [Mr. GAMBLE] says:

The evidence, it appears to me, was overwhelming from many witnesses upon the stand, both directly and indirectly, that the matter of the "jack pot" had been in existence and in operation for some years. It appears to have been reduced in its operation practically to a system. I had never heard or learned of it being inaugurated elsewhere to the extent that funds raised and paid to affect legislation irrespective of its merits were held and pooled, and later distributed after the close of the legislative session.

Thus one of the Senators who was on the subcommittee and actually heard the testimony is convinced that there has been for several years a jack pot, and that its operation has been reduced to a system, and that it is not paid out when legislation is passed or defeated, but after the close of the legislative session. The chairman of the committee says in his address:

I think the Senate will find when they examine the testimony that there was a jack pot, which was a fund raised to defeat or promote legislation.

So under this system it is doubtless true that if a member was indicted for bribery in connection with legislation, he could say that he had not been promised a dollar to support or oppose such legislation, and that he had not received any money in consideration of his vote thereon, and that nothing had ever been said to him in regard to it.

Under such a condition of things what would naturally happen? Those men who were looking for money for any act in connection with their legislative duties would flock around this jack-pot fund and around those handling it like vultures around a dead carcass. When they came to the fountainhead there was a complete understanding as to the course of procedure without anything being said. All they had to do was to do as they were asked and then reward would come in due time. How natural it would be for these men interested in the jack-

pot fund to surmise that there would be part of this fund used in the settlement of the senatorial contest which was carried on with such bitterness, and how natural it would be for those handling the jack-pot fund, and who naturally would be intrusted with any moneys to be used in connection with the senatorial contest, to approach those whom they knew were approachable in connection with the senatorial matter, and how natural it would be for those approached to conclude that the men handling the jack-pot fund and becoming interested in the senatorial election were authorized to use a part of this fund to assist in the settlement of the senatorial fight. I submit that this would be an inevitable conclusion, and that their promise to vote for the man for whom these distributors of the jack-pot fund were working would be based upon the natural expectation that when the time came for distribution they would receive their part of any moneys that might be available in the senatorial contest, whether it were kept in the jack-pot fund or not. Democratic Leader Browne seemed to be the handler of the jack-pot fund, and would of course feel justified in distributing it to those of his followers who would vote as he desired, and who he knew would expect to be remembered, and they knew he could be trusted, and most of them asked no questions before they voted, and none when they innocently received their money.

We are left to surmise as to the source of the senatorial money. The committee seems to have made no attempt to find out who put it up. I state this as a fact and not by way of criticism. We also are left to surmise as to the source of the jack-pot fund. It, of course, came from those interested in legislation. My judgment is that, while these moneys came from different outside sources, it all went into a common fund, to be distributed by the same hands as might be deemed best. Browne handed out the senatorial money, and evidently had the distribution of the jack-pot fund and would have handed it out at St. Louis, instead of Wilson, if he had not been sick. Broderick handled the senatorial money in the senate and he also handled the jack-pot money. There were men in the legislature who, apparently, were organized to carry out the designs of those on the outside. They doubtless acted for a consideration, and this consideration came from various sources and for various purposes, and it went into a common fund.

There was bitter and determined opposition to the reelection of Senator Hopkins. All through the testimony this appears. There was strong opposition to him in the Republican ranks, and it also appears that among the Democrats there was a very intense hostility to him especially, and this opposition had something behind it besides the personal opposition of the members of the legislature, and if there were interests outside of the legislature that habitually contributed to the jack-pot fund to control legislation, it takes no stretch of the imagination to believe that there were outside interests that would be perfectly willing to contribute to the jack-pot fund for the purpose of defeating Mr. Hopkins. Money was used to defeat him, and this money was put in the hands of the same person who handled the jack-pot fund, if it was not put into the fund itself. The money was not money to elect LORIMER; it was money to defeat Hopkins. It could be used to elect anyone they could elect, so it was not Hopkins. This is the reason why Browne was so insistent that his men should not vote for LORIMER until he was sure that there were enough votes "to put it over." Failure meant no money. The men putting up the money were men who could be trusted to pay when the "goods were delivered," and not otherwise. I am irresistibly forced to the conclusion that the system under which the jack-pot fund was distributed was put in operation in this senatorial election.

Four members of the legislature have confessed to receiving money. It is true that most of them tried to make it appear that their votes were not influenced or given by the hope of reward, but they took the money and asked no questions. They took it under the system above described. Much is said of the character of these men, and they are condemned most vigorously. No one can question the justness of this condemnation; but who would expect men of honesty, integrity, and high character to be connected with a jack-pot fund for throttling legislation or electing United States Senators? The witness White is condemned by everybody, and especially by the majority members of the committee. White! What a name for such a character! Perjurer, bribe seeker, bribe taker, blackmailer! No one can see any good in him. Words can not pen his character, and the more he is studied in the light of his own words and actions, the more despicable he becomes. As he discloses his full character, well might he say:

Judge if hell with all its powers to damn,
Can add one blot to the foul thing I am.

The more he is condemned, however, and the more his real character is brought forth, the more probable his story becomes. He is just the kind of man who would seek a jack pot and the distribution of jack-pot funds, whether used to elect Senators or to throttle legislation; and the testimony brought forward to show that, when drinking, he made threats as to how he would hold up men and make them "come across," and of his wanting money for holding up legislation, and so forth, instead of impeaching, simply adds to the probability of his story. Of course, White's testimony by itself and uncorroborated would be cast aside as wholly worthless; but the devil himself can tell the truth, and we must believe him if he is substantially corroborated; and in such case his testimony is as strong as that of an angel of heaven. White's testimony is corroborated in so many important particulars that I can not avoid the conclusion that it is true in the main.

Special activity was manifested in connection with the senatorial election about May 24. The prospects of defeating Hopkins seemed to be better than ever, and it began to look as if a man had been selected upon whom a sufficient number of Republicans and Democrats could unite to insure an election. Browne had been seen several times before. He had canvassed the situation fully and had concluded that Mr. LORIMER could be elected. As the leader of his faction he had promised his support upon the express condition that not a single Democratic vote that he had any influence with should be cast until Mr. LORIMER's election was assured. He said:

I stated to Mr. Shurtleff, and I stated afterwards to Mr. LORIMER, that I would not consent to having a single one of the Democratic votes that I had any influence with cast for Senator LORIMER unless his election was an assured thing. I would not have those votes cast uselessly. I told him, and I told them both, that I should rely upon their words, their words as men, to see to it that no roll call was started for the election of Mr. LORIMER for Senator until enough votes all told were secured.

And when asked why he insisted that no votes should be cast for Mr. LORIMER until enough were assured to elect him, he said, "Because the world loves a winner and does not like a loser." And, again, he said, "I did not propose to have those gentlemen, with my consent, go down in a lost cause." Was this the real reason? No. This was a mere quirk, a mere pretext. He knew that if he failed "to put it over" there would be no money for his system. He had decided a week or 10 days before to support LORIMER. He had conferred with many of his followers, but he did not yet have enough. He had gotten as many as possible honestly, but he must have a few more, by fair means or foul.

At this stage of the game it was natural for Browne to talk with White, in view of his character. Although a Democrat, it likely would be very easy to induce him to vote for a Republican. Browne knew this. He talked with White, according to White's statement, and he himself admits it. Why should he not talk with White? He knew his man and knew him to be one who could be bought. He was the very kind of a man for whom Browne was looking. White was not the only one talked to about this time. Beckemeyer was called to Browne's room and they talked over the senatorial situation. Browne showed him a list of those that would vote for LORIMER. Browne very likely knew the weakness in Beckemeyer's character, and Beckemeyer knew the working of the system. Browne also talked with several others, and one or two said they "were from Missouri and had to be shown," or something of that kind. Browne talked with White again on the 25th, and so he did with Beckemeyer. When Browne spoke to Link, the latter knew so well what to expect from the system that he took special pleasure in saying to Browne, "Lee, I have got the laugh on you; I beat you to it."

About this time things began to move in the State senate, and Broderick spoke to Holstlaw the night before. Holstlaw had been advised in some way a couple of days before how things were going, and so, when Broderick said to him the night before election, "We are going to elect Mr. LORIMER to-morrow, aren't we?" very naturally said that they were, and he was given a plain hint of what the system would do in the statement, "There is \$2,500 for you." White seemed to be more anxious than any of the others to have a distinct understanding before the vote was cast as to what he should get. The others seemed to know more of the system or to have more confidence in a just distribution of whatever funds might be available after the close of the legislature than did White. So, when Browne talked with him about voting for LORIMER, he asked him how much he would get, and Browne replied, according to White's testimony, "You are not afraid to trust that to me, are you, old boy?" This, under the circumstances, was a very natural answer upon the part of Browne. I have no doubt but that the sharers of jack pots before had found Browne to be absolutely honest and square so

far as its distribution was concerned, and they were not afraid to trust him. White had not reached the point where he could fully trust Browne, or he did not fully understand the system. Furthermore, he was naturally grasping and suspicious. Beckemeyer and Link were more trustful characters or knew more of the system, and they were probably satisfied to await the distribution that they knew would come. Not so with White; and when told he would get a thousand dollars, he wanted to know whether there would be anything coming to him from "other sources," and Browne said, "You will get about that much or a little more."

Great efforts seem to have been made by counsel and by members of the committee to have it appear that the thousand dollars that he was to get for his vote for LORIMER was entirely free and distinct from the "other sources." To my mind, however, it is perfectly plain that White, while he probably would have voted for LORIMER for the thousand dollars, or for \$5, for that matter, proposed to get everything he could for his vote, and in order to make sure of his proper share in the distribution from other sources, he gave Browne to understand that he would have to be sure of this in addition to the thousand dollars when he gave his vote for Senator. And yet under the system he would have been just as sure without these promises as with them.

White was paid his thousand dollars; one hundred at Springfield and the balance at Chicago; \$50 June 16 and \$850 June 17. When analyzing the testimony all the facts corroborate his statement in this respect, and I am satisfied that he was paid this money as he testifies. When he was paid his \$850, June 17, Browne told him that about July 15 he would be paid about that much more. On the 16th of June Holstlaw was being paid \$2,500 by Broderick in Broderick's saloon away out on the west side in Chicago, where Holstlaw had never been before, and where there was no earthly reason for his going excepting upon a call from Broderick. Holstlaw is corroborated in this by the testimony of Mr. Newton, chief clerk of the State Bank of Chicago, where the money was deposited.

When Browne paid White the \$850 he told him he would be in St. Louis in a few days to pay the southern members their senatorial money. White asked Browne to notify him when he would be in St. Louis, but Browne did not do it. He did not care to consult White further just then. At that time there was nothing to consult him on, so he sent him no notice; had no occasion to see him; but Beckemeyer received a letter from Browne asking him to meet him at St. Louis June 21. Beckemeyer met Browne at St. Louis on the 21st, and says he received from Browne \$1,000. Shephard was there at the same time. Link had an invitation from Browne to meet him at St. Louis on the 21st, did so, and says he was paid \$1,000. Browne also met Luke at St. Louis. Luke is now dead. He is not here to say whether he received \$1,000 or not, although evidence was offered to show that he had received that amount. Of course Browne denies that he paid money to any of these men at St. Louis. He does not deny, however, that he was there on the 21st of June and saw Luke, Beckemeyer, Link, Shephard, and others.

When asked why he wanted to meet them, he was very evasive in his answers and seemed to think that it would be very difficult for him to make the committee and attorneys understand just why he was there. He seemed to think it doubtful if they had been in the "political game," and therefore they would not be able to understand his position, but upon the suggestion of Senator FRAZIER that "perhaps the committee has been sufficiently in it so that they can understand you," and upon the request of the chairman to "do the best you can," Mr. Browne said:

Excuse my pardon, Senator. Now, these men I had sent these notifications to, caused them to be sent to, were all men that had been with me, stood by me through this session of 1909, which, by the way, was an extraordinary one, a very stormy one for all of us, and I intended to be a candidate for the legislature again. I intended to run for the minority leadership again if permitted. I intended to stay in the political game if permitted. Furthermore, there was coming up almost immediately the question of the distribution in Illinois of minority patronage from the governor. Where the governor stood, whether with our crowd or so-called Sullivan crowd, was a mooted question and was very difficult to determine. I discussed the matter with my friends in Chicago and discussed it with some of my friends in Springfield, as I now recall. And I wanted to see the boys down there to see if any—among other things, to talk the matter over to see if there was anything we could do to get into the good graces of Gov. Deneen and land some, or at least a part, of these minority appointments. I afterwards saw Gov. Deneen along that line. Now, that was my object in going to St. Louis.

There is, to my mind, one strong circumstance in connection with this transaction corroborating White that might seem in itself rather insignificant. White says that Browne told him in Chicago that he would be in St. Louis in a few days to pay off

the southern members. Browne denies this. But Browne was in St. Louis about the time that White said he told him he would be there. Browne says he was there to talk over political matters, and that he invited these men because they had stood by him through the session of 1909. Why did not he invite White to meet him there to talk over all these political matters? White had stood by him; White had been one of his followers from the beginning, and it would seem that he was one of those that he would naturally confer with. White was not invited. Why? Because he already had been given his first payment. He had received his money in Chicago and it was not necessary to see him further. These other men were invited there not to discuss political issues, but to receive their share in the distribution that was to be paid them for the election of a United States Senator.

Browne told White in Chicago, when he paid him the balance of his thousand dollars, that he would get as much more about July 15. On July 14, 1909, the following telegram was sent to White from Chicago:

[Received at 3.35 p. m., July 14, 1909—Dated Chicago, Ill.]
To Hon. CHARLES WHITE, O'Fallon, Ill.:
Meet me to-morrow forenoon, without fail, at Southern Hotel, St. Louis. Wire me answer at once, care Briggs House, Chicago.
ROBERT E. WILSON.

White met Wilson July 15 at the Southern Hotel, in St. Louis, and says Wilson paid him \$900 in \$100 bills. Beckemeyer also met Wilson at St. Louis on July 15, and he says that Wilson paid him \$900, and on the same day he deposited \$500 of it in a bank in St. Louis, and this the bank's records show. Link met Wilson at St. Louis July 15. He also says he was paid \$900.

It will be noted that White was not left out this time. He was invited to this meeting July 15, in St. Louis, and Browne was so solicitous about White and so sorry that he could not see him himself that on July 16 he wrote him the following letter:

OTTAWA, ILL., July 16, 1909.

Hon. CHAS. A. WHITE, O'Fallon, Ill.

FRIEND CHARLEY: Thank you very much for your prompt recognition of my request in the Doyle matter. You have certainly been one of my good old friends since we have become acquainted. I feel sure that the friendship will last just as long as you and I do. I was awfully sorry that I was unable to be with you yesterday forenoon in St. Louis. I was taken very ill in Chicago Monday night, with an attack of ptomaine poisoning, and have had a pretty serious time of it. I did not dare to attempt the trip. I hope everything is all right with you, and satisfactory, and that you are happy and fairly prosperous. I hope before very long to be able to meet you either in St. Louis or Chicago and talk over old times. I think you and I have got one real good visit coming. Let me hear from you when you get time and the spirit moves you.

Very sincerely, your friend,

LEE O'NEIL BROWNE.

This clearly shows that Browne had intended to make this trip. It corroborates White's statement that Browne told him in Chicago that there would be about the same amount coming to him about July 15, and it will be noted that the same men met Wilson in St. Louis July 15 that met Browne in St. Louis June 21, to wit, Beckemeyer, Luke, Shephard, and Link, except that White was not invited to meet him at St. Louis on the 21st for very obvious reasons. Clark also met Wilson at St. Louis on July 15, but claims he did not meet Browne at St. Louis on June 21, although others swear that he was there, and Browne himself says that he was under the impression Clark was there, but, if Clark says he was not, he thinks he must be wrong in that impression.

The testimony of Wilson and Browne with reference to this meeting at St. Louis and its purposes is not convincing. It has the appearance to me of being manufactured for the occasion, and there is also some pretty definite testimony which goes to show that it was so manufactured.

Much is made of the custom of meeting southern Illinois members at St. Louis to discuss political matters, and yet Browne does not seem to have been doing this very much until after the adjournment of this legislature. He says himself that he had never been in St. Louis but twice in his life prior to his visit of June 21, and he was anxious to stay two or three days there and visit. It is rather significant that Browne should so suddenly become so much interested in the southern Illinois members. This is another excuse or subterfuge for explaining his visits there. Wilson did not say whether he sent the notices to these gentlemen to meet him at St. Louis, or whether they might have been sent by Mr. Giblin, who was Browne's secretary. While I recognize that the committee depended upon the attorneys representing each side of this controversy to produce all the evidence before them, I can not understand why one side or the other did not produce Giblin and get his testimony, not only with reference to the meeting which, it would appear, must

have been arranged by him, but also with reference to several other matters which it appears he had a great deal to do with. For instance, White says that after his trip to Chicago, when he caroused with Browne, Giblin sent him \$200, or something like that, for Browne. Did Giblin do this? His testimony would have been pertinent and to the point.

Wilson would have it appear that he did not go to St. Louis at the instance of Browne. Yet White says Wilson told him Browne was sick and he had come for Mr. Browne. White is corroborated to this extent, that Browne writes him that he is sorry he could not meet him at St. Louis, but that he was sick. Wilson has to admit that probably Giblin sent out the notices of the meeting, and Giblin was Browne's secretary. Browne does not want to admit that Wilson went there for him, but his excuse for Wilson's going is a most flimsy one, and in it he brings in the excuse made in the letters manufactured and sent to Beckemeyer and Link. Wilson claims that he went to St. Louis to confer with these members with reference to a banquet for Browne, and yet when he gets there there does not seem to have been very much said about a banquet. Clark says he suggested it to him, but that was all, and I am satisfied that this banquet is nothing but a subterfuge, and this is borne out by direct testimony from Link and Beckemeyer. Beckemeyer received a letter, as follows:

Hon. H. J. C. BECKEMEYER, *Carlyle, Ill.*
CHICAGO, June 26, 1909.

FRIEND BECKEMEYER: Doc Allison was speaking to me regarding getting up a banquet for Lee in his home town, Ottawa, and asked that I take matter up with some of the boys. I expect to go to St. Louis in the near future, in connection with our submerged-land committee, and will advise you in advance as to when I will be there, and would like for you to meet me. With best wishes, I am,

Very truly, yours,

ROBERT E. WILSON.

A similar letter was sent to Link, and both of them swore that they did not receive this letter until about the first week in May, 1910, or nearly a year after it was dated. In other words, after they had heard of the disclosures of White they deemed it necessary that some good reason would have to be presented for Wilson's visit to St. Louis in July, 1909, and his meeting with all these various persons; and this letter was prepared and dated back so as to furnish an excuse for the meeting. Wilson and Browne both testified in regard to Wilson's trip to St. Louis, and I shall submit the testimony of each one of them without special comment:

Q. Mr. Browne, did you know that Wilson was going to St. Louis?—A. Yes, sir.

Q. Who advised you of that fact?—A. He advised me of it himself.

Q. When?—A. Before he went.

Q. Sent you a telegram?—A. No; I was in Chicago, as I told you, and had been for a week, sick with ptomaine poisoning, at the Briggs House. I was just up and around in a very weak condition.

Q. Yes.—A. I think I went home that night. I am not sure as to that.

Q. Yes. Now, you have been intending to go—you had intended to go to St. Louis with Wilson?—A. No; I did not intend to do anything of the kind.

Q. Did you expect to go to St. Louis?—A. No; I did not know that he was going to St. Louis until practically the time that he went.

Q. Well, he went on the 16th or 17th of July, didn't he?—A. I can not give you the exact date.

Q. You have no remembrance of the time?—A. I know it was in there somewhere.

Q. Well, let me understand you. When did you reach Chicago?—A. When?

Q. In July?—A. In July.

Q. Yes.—A. Well, now, I would have to think. I am not sure whether I went back to Chicago on the night of the 14th—back to Ottawa from Chicago on the night of the 14th of July or the 15th of July, I can not tell you.

Q. Do you know when Wilson left Chicago for St. Louis?—A. No. My knowledge of the testimony on the two trials of my case would indicate to me that he went down there, I think, on the 14th.

Q. The 14th of July?—A. I would think so.

Q. And you left Chicago when for Ottawa?—A. Well, I do not know whether it was on the day he left for St. Louis or the next day.

Q. Either the day he left for St. Louis or the day after?—A. I think so.

Q. Well, when you saw Wilson, did you leave—when did you see Wilson before he left?—A. Well, my recollection is that I saw him that day that he left.

Q. And you knew he was going to St. Louis?—A. I knew it a short time before he went that he was going.

Q. What do you mean, "a short time," the same day, or "a short time," a few days before?—A. No, no, no; my recollection, my best recollection is that I did not know it until that day.

Q. That day?—A. Yes.

Q. Did you and he discuss it?—A. No; I have tried to refresh my recollection as to whether I knew the purpose of his going to St. Louis before he went, or whether he told me after he came back, I can not be sure about it.

Q. You don't know whether he disclosed why he went before he went or not?—A. I knew he was going down there to see the southern Illinois members, I knew he was going down there to see the southern Illinois members, but whether or not he disclosed to me before he went his exact purpose, or whether he did that after he returned, I am not sure.

Q. Do you know whom he was going to see there?—A. Yes.

Q. Who?—A. The southern Illinois members.

Q. The same ones you mentioned before?—A. Yes, sir.

Q. Including White?—A. Yes.

Q. And Clark?—A. Yes, sir.

Q. And the ones you have mentioned?—A. Yes, sir.

Q. Now, do you know what his purpose was in going there?—A. I know what he told me.

Q. And what did he tell you?—A. He told me—now, in order to make it clear to you, Dr. Allison had spoken to him, and I guess to one or two others about the advisability of giving me a banquet. Now, I am trying to tell you just how I am concerned. I am serious about it, Mr. Austrian, of giving me a banquet there in Ottawa or Chicago, one place or the other, and only giving invitations to the Democratic members that belonged to my crowd. I had frowned upon that proposition, upon the theory that it still further divided the two factions of the Democrats, and still more, prevented any amalgamation of them in the future. I told him I did not want anything of the kind done. He took the matter in hand himself. He told me there before he went, or after he went, that his purpose in going to St. Louis was to see these men and discuss the matter with them.

Q. The banquet?—A. Yes; now, that is what he told me, and he told me that he had talked it over; he told me they had left it with him to do as he and the fellows in the north end of the State saw best.

Q. Now, Mr. Browne, if Mr. Wilson was going to St. Louis to talk over the question of giving a banquet for you, why should you be present at the time that matter was discussed?—A. There would be no reason in that that would warrant my being there; on the contrary, modesty would suggest that I would not be there; but as I explained to you a little while ago, the object of my visit down there with them in June, his going down, my being at Chicago at the time, I would have gone down with him well enough, in order to see them get in touch with the men.

Q. You just saw them less than three weeks before?—A. That is very true.

Q. You had seen them on the 21st of June?—A. I used to see the boys up in Chicago every week, every two weeks.

Q. You used to come to Chicago every week or two?—A. Not always; sometimes I did, sometimes a month, sometimes a week, maybe every week for several weeks.

Q. But Chicago was the place where you made your headquarters, wasn't it?—A. No, no, no.

Q. You had never been to St. Louis before you went there on the 21st of June, 1909, had you?—A. Oh, yes; oh, yes.

Q. How often?—A. I had never been there in the neighborhood of the session of 1909, of that year, rather, I had never—well, it was not that year; I was there a little bit before the session of 1909 opened.

Q. And that is the only time, isn't it?—A. It was the only time for a considerable period of time.

Q. I understood you to say that you had only been in St. Louis once or twice?—A. Twice.

Q. In your life?—A. Twice to my recollection.

Q. Prior to the 21st of June, 1909?—A. Twice to my recollection, unless just before the session opened.

Q. In December or November, 1908?—A. Yes. And once after I became a member of the legislature, but several years before when an investigating committee went down there.

Q. Three or four years ago, those are the only two times?—A. Yes. I may have been there, but those are the only two.

Q. Now, you have been with these gentlemen, Shephard, Link, Clark, Luke, and all the fellows you mentioned, and Wilson, continuously, from the 4th day of January—when I say continuously, I mean every day up to the 5th day of June?—A. The 4th day.

Q. The 4th day of June, 1909?—A. Yes, sir.

Q. And then you saw them on the 21st day of June for the purpose?—A. Yes.

Q. For the purpose of talking politics in the Southern Hotel?—A. Yes.

Q. And you would have gone there again on the 15th day of July, would you?—A. Yes, sir.

Q. For the same reason?—A. Yes, sir.

Q. And you were a busy, practicing lawyer down in the central part of Illinois, weren't you?—A. Well, I am very much afraid that my law practice has not been helped very much by my political aspirations and doings in the past 10 years.

Q. Yes; but you were a busy lawyer; that is, a busy lawyer in Ottawa, Ill., weren't you?—A. Good for the country law practice.

Q. One of the best, isn't it, in Illinois?—A. No.

Q. It is not?—A. No.

Q. Now, when Wilson went down there, you knew that he was going?—A. I told you about that.

Q. Yes, sir. That is all I want you to say, that you did. And then you saw Wilson there immediately before he went, when he disclosed the purpose of his visit, or after he came back, when he disclosed the purpose of his visit, is that correct?—A. He either disclosed it before he went or after he came back before I knew of it.

Q. And you say that the only purpose of his visit was the giving of the banquet to you?—A. I do not think so.

Q. What other purpose did he have?—A. I don't know.

Q. The only purpose that he disclosed to you?—A. Yes, sir.

Q. Well, why did you write to White on the 16th day of July that you were awfully sorry that you were unable to be with him yesterday forenoon in St. Louis?—A. Because it was true.

Q. You were sorry to be with White; is that right?—A. Yes, sir.

Q. Even though the only purpose of the visit, so far as you knew, on the 16th day of July, when you wrote that letter, was the fact that they were discussing the banquet for you?—A. That was not the purpose I would have seen White for.

Q. What would you see White for?—A. The same thing I went down there before, simply a political gathering with my adherents.

It does not seem to me possible to read this testimony and not conclude that it is a lame attempt to explain away the force of the testimony as to the real purpose of that trip to St. Louis.

Wilson's testimony in regard to it is equally frivolous:

Q. Now, Mr. Wilson, you went down there for what purpose?—A. I went down to see some of the southern members of the Illinois house with regard to a banquet to be given Lee O'Neil Browne.

Q. And you went down because Tippet had given his followers a banquet; Tippet had given his followers a banquet, had he not?—A. Yes.

Q. And Tippet had given his followers a banquet prior to the adjournment of the session in Springfield, the adjournment having taken place the 4th of June?—A. I don't know the date.

Q. If the legislature adjourned on the 4th of June, that is correct, is it not?—A. I think so.

Q. Yes, sir; and no steps were taken with reference to Mr. Browne's banquet until about the middle of July?—A. Well, it had been spoken of; that night of adjournment when we came over from the house to the hotel in Springfield it was talked of.

Q. No further steps had been taken toward ascertaining the minds of the southern Illinois members on that subject until the 15th day of July?—A. There was talk about it.

Q. Beyond talking about it, nothing definite was done until July 15, had there?—A. Nothing.

Q. You never talked to anybody yourself about it until the 15th of July, did you, Mr. Wilson?—A. Oh, yes.

Q. With whom?—A. Dr. Allison.

Q. Anyone else?—A. Murray.

Q. Murray you talked to in Chicago?—A. Yes.

Q. Did you talk to anyone else?—A. No.

Q. And you were a Chicago member and there were a number of Chicago members in the house belonging to the Browne faction, and you never discussed the banquet? You never discussed it with anyone save Mr. Murray and Dr. Allison?—A. Anyone?

Q. Yes; with anyone.—A. Yes, sir; at the house there were several of us.

Q. Then you did discuss the subject with more members besides Murray and Allison?—A. Yes, sir.

Q. How many more?—A. I could not say, but when we came back to the hotel it was common talk that Mr. Tippet got one the best of us by giving that banquet.

Q. You condoled with each other on account of it?—A. Yes, sir.

Q. You then and there immediately had a discussion about arranging for a banquet for Browne? Is that correct?—A. The arrangement was not spoken of at that time; no. But some members thought we should do it.

Q. Then you did nothing about it from the time of the adjournment of the legislature until July 15, 1909? Is that correct?—A. Yes, sir.

Q. Now, you knew when you went to St. Louis on the night of July 14, what Browne's attitude was with reference to a banquet for himself?—A. I did, in a way.

Q. And Browne had expressed what his views on that subject were a great many times, Mr. Wilson?—A. I don't know.

Q. Well, whenever you talked about it he expressed his views?—A. He said—

Q. I am not asking what he said. He expressed his views and frowned upon it. He said he frowned upon the banquet because it would make the factions separate further than they were already separated. Is that correct?—A. I don't know as he went into it so strong; before I went over to see Mr. Clark—

Q. He did frown upon it?—A. He said he had some personal reason.

Q. When you came back from St. Louis did you report to Browne or Allison on the subject of the banquet?—A. Yes, sir.

Q. Which one?—A. I reported to Browne—

Q. To which one did you report, Browne or Allison? Judge HANEY. He said Browne. I submit he ought to be permitted to answer.

Q. I am asking him to which one he reported.—A. I reported to Browne.

Q. Did you report to Allison?—A. I think I did; yes.

Q. Will you tell this subcommittee you did?—A. I think I had Allison on the phone afterwards and told him that the boys—I don't think—I don't know whether it was on the phone or whether he came to Chicago, whether I saw him in Chicago; I told him that Browne was opposed to the banquet; and it seems as though I spoke to him and told him that Browne was opposed to the banquet and that some of the boys agreed that it would not be the best thing to have it.

Q. The boys you met in St. Louis were willing to do what Browne wanted them to do?—A. They left that to me, as far as the banquet was concerned.

Q. You knew Browne's view before you went there?—A. In a way I did.

Q. You did not know where Dr. Allison lived when you testified before the grand jury?—A. I don't know where he lives now.

Q. You called him on the telephone, you said.—A. I called him on the telephone without knowing where he lived; anyone can get any one on the telephone in any town.

Q. You don't know the town in which he lives now?—A. Oh, yes; I do; I never said I did not know in what town he lived.—Essex—

Q. When did you ascertain it?

Senator BURROWS. Is that material?

The WITNESS. I never said I did not know the town—

The CHAIRMAN. Wait a moment, Mr. Wilson; the committee can not have so much time taken up by what seems to be unnecessary.

Mr. AUSTRIAN. Very well, Mr. Chairman.

Q. Mr. Wilson, Allison was the man who asked you to go to St. Louis?—A. He did not ask me to go.

Q. Who did ask you to go?—A. I took it upon myself.

Q. No one requested you to go?—A. No, sir.

Q. You went on your own initiative for the purpose of finding out whether the banquet should be given to Browne, six weeks after the close of the session, is that right?—A. Yes, sir.

Q. When you got to St. Louis and met the members whose names you have mentioned here, did you have any discussion with them on the subject of the banquet?—A. I did; yes.

Q. Can you tell the committee what, if any, talk you had with any one member of the southern Illinois members?—A. What I said?

Q. Yes.—A. No, sir; I can not tell you the conversation.

What did happen at this meeting? No one but Clark remembers talking about a banquet, and even he does not know very much about it.

White says that Wilson invited him into the bathroom and there paid him \$900. Of course, no one else can corroborate him in the payment of the \$900, because he and Wilson were the only ones in the bathroom at the time. White does say that after some talk Wilson invited Shephard into the bathroom. Shephard corroborates White in this. Wilson does not recollect White going into the bathroom with him, but does say that Shephard went in, but does not remember what for or what was said. What does Shephard say he was called into the bathroom for? Not to pay him money, because Shephard

denies receiving any money, so he must give some other excuse. He says that Wilson asked him into the bathroom to ask him who the lady was he saw with him at dinner in the St. Nicholas Hotel in Springfield some time before. This excuse speaks most eloquently for itself.

It is sought to impeach White by showing that one of the Yarboroughs was not in his room on the night of May 24, when White says that Browne called at his room and found them there with him. Whether or not they were both there it seems to me is entirely immaterial, but, if taken materially by counsel on either side, why did they not bring before the committee the two Yarboroughs and have them testify in regard to the matter instead of getting two or three witnesses to swear they saw one of the Yarboroughs in Chicago at that time? It does not appear that there would have been any difficulty to secure the presence of one or both of the Yarboroughs before the hearing.

The testimony seems to be clear that White had considerable sums of money at the times he testifies to have received it from Browne and Wilson. It is shown that after he received the money in Chicago he took a package to the Grand Leader store at St. Louis and left it there, marking on it "\$700" or "\$800." Mr. Kirkpatrick, who is entirely disinterested, corroborates White in this particular. It is shown that he paid off a great many bills of varying amounts, made a trip to Tennessee, gave a \$50 bill to his mother, one to his father, and other various sums to different persons. After he received the money at St. Louis he went to Chicago and spent some time carousing with Browne, and Browne himself claims that he took a couple of hundred dollars from his person while he was in a condition not to look after himself and kept it for him.

I have gone into the testimony more than I should, in view of the many exhaustive reviews that have been made of it. I am convinced that White, Link, Beckemeyer, and Holstlaw were corruptly influenced to vote for Mr. LORIMER. I also am convinced that Browne, Wilson, and Broderick corruptly influenced them. The bribe giver is just as corrupt, if not more so, as the bribe taker. These seven votes were corrupt votes and should be deducted from the vote cast for Mr. LORIMER. These may not be all the corrupt votes cast; I do not think they are. I believe the evidence shows clearly and definitely other corrupt votes. I also am convinced that the tainting of Browne's vote under the circumstances tainted every vote among his faction that followed him, unless such vote is shown clearly not to be corrupted. Under my view of the law, seven tainted votes are sufficient to invalidate the election, but if more were necessary, they could easily be pointed out.

The law is perfectly plain as applied to the facts as I see them. The statute with reference to the election of Senators provides that if anyone fails to receive a majority of each house on the day set for voting—

The joint assembly shall then proceed to choose by viva voce vote of each member present a person for Senator, and the person who receives a majority of all the votes of the joint assembly, a majority of all the members elected to both houses being present and voting, shall be declared duly elected.

This does not seem to need construction; it is perfectly plain.

In this case no one received a majority of both houses when the vote was taken separately in the joint assembly. When Mr. LORIMER was declared elected, there were 202 members present and voting in the joint assembly, and, therefore, no one could be elected without receiving at least 102 votes, a "majority of those present and voting." Mr. LORIMER received 108 votes, or only 6 votes more than enough to elect under the statute.

As I view the testimony, at least seven of these votes were tainted, and deducting these from his vote Mr. LORIMER received only 101 legal votes, or one less than enough to elect on that day. It is said that Mr. LORIMER received 108 votes and there were 94 votes against him, thus giving him a majority of 14 over his competitors. That is true; but a Senator is not elected by having a majority, simply, over his competitors. He must have a majority of all the votes present and voting, and this he did not have if seven votes must be taken from him because they were tainted. He would then have 101 votes, or seven majority over his competitors, but one less than the majority required by law. This seems to me to be so plain that he who runs may read. In saying this I do not desire to reflect upon the great Senators and the great lawyers who do not take this view of it.

The senior Senator from South Dakota is a great lawyer, the senior Senator from Kentucky is a great lawyer, members of the committee who have filed this report are great lawyers; and it may seem presumptuous in me to question their view of the law, and I do so with much diffidence. The committee does not rest boldly upon the conclusion that it is not shown that tainted votes were cast for Mr. LORIMER. It seems to appreciate the weakness of this position and is not willing to rest upon

it. Conceding seven tainted votes, or 11, it nevertheless contends that, under the law, Mr. LORIMER still had a legal majority and was duly elected. It seems to me they would have been on safer ground to have rested upon the contention that the evidence does not show the corruption of any votes for Senator.

What do these great lawyers contend? Their contention is that if seven votes are tainted and therefore to be rejected, we must not only reject the tainted votes, but we must, *nunc pro tunc*, eject the voters from the joint assembly of the Illinois Legislature. That, I submit, would be a high-handed proceeding not warranted by the statute or by the Constitution and beyond the power of this mighty body. These learned Senators contend that those who cast these tainted votes were not really present in the joint assembly, although they did in fact answer to their names when the roll was called, and even though one of them made a violent speech, stating that "you can not cash dreams," the senior Senator from Kentucky says "they were mere excrescences on that body"—referring to the joint assembly of the Legislature of Illinois—or, perhaps, more properly speaking, they were "mere derelicts" and, having rejected their votes and made "mere excrescences" or "mere derelicts" of them, having bodily ejected them from the joint assembly, he and his colleagues make that joint assembly consist of only 195 members, and, as Mr. LORIMER had 101 votes left, they find that he had a majority of this *nunc pro tunc* joint assembly, and therefore was duly elected. I do not dare characterize this argument, because I do not want in any way to reflect upon the good judgment and legal learning of these great lawyers and Senators. This argument does not appeal to me. I hardly think, with all due deference, it will appeal to the lay or legal mind of the country. Would it be impertinent to ask what might have been the result if these "excrescences" or "derelicts" had been ejected from the joint assembly before the vote was cast? Is it not likely that many of Browne's followers would have gone on voting their party faith? Might not "Bellwether Manny Abrahams" even have followed along the path of party faith and fealty that he had been so faithfully traveling so many days had not "Derelict" Browne been present to inspire and direct? I fear me much that an election would not have occurred on this date if these "excrescences" or "derelicts" had been absent. This contention leads to such absurdities that it refutes itself.

Under this theory, if LORIMER had received 151 votes and Hopkins 50 and Stringer one and it had been shown that 99 votes had been bought for LORIMER, still he would have been elected, because if these 99 "excrescences" or "derelicts" were removed, the joint assembly would consist of 103 members, of which LORIMER would have 52 untainted votes, or a majority of one, and we would have to declare his election valid. I may be wrong, but I can not get the consent of my mind to a rule of law or an interpretation of law that would sanction such a monstrous result.

Furthermore, this rule of rejecting illegal votes and ejecting the voter might result in the actual election of some candidate who might not learn that he was elected for two or three years afterwards. If, instead of finding that seven illegal votes were cast it should be shown that 63 illegal votes were cast for Mr. LORIMER, then we would have the amazing result that Mr. Hopkins was actually elected in the joint assembly May 26, 1908, and has been for almost three years entitled to his certificate of election, for if 63 illegal votes were cast, then there were only 139 members in the joint assembly. Mr. Hopkins received 70 votes, or a majority of that joint assembly. Again, under this contention, if 103 votes were cast in the joint assembly and Mr. Hopkins had received 102 of them and Mr. LORIMER one, and it should be shown that this one vote was cast corruptly, then the election of Mr. Hopkins would not be valid, because there would be no legally constituted joint assembly. A rule of law or an interpretation of law that produces such absurd results is not worthy of very favorable consideration.

The men who cast these votes must be considered a part of the joint assembly. They were members of the legislature. They had been duly elected. They were actually present in the joint assembly; they cast their votes in the joint assembly. They were a part of it, even though their votes were illegal. The declaration that their votes were illegal and should be rejected does not affect their presence or the fact that they actually voted and does not eliminate them from the joint assembly, but they must simply be deducted from Mr. LORIMER's vote, and this would leave him 101 votes, or one less than a majority of the votes cast in the joint assembly.

Mr. SUTHERLAND. Mr. President—

The PRESIDING OFFICER (Mr. DEFEW in the chair). Does the Senator from Washington yield to the Senator from Utah?

Mr. JONES. Certainly.

Mr. SUTHERLAND. Mr. President, I have been very much interested in the Senator's discussion of the legal question involved here, and I think he is undoubtedly correct, but I wanted to put this phase of the matter to the Senator and ascertain whether or not he had thought about it. As I recall the evidence, it was agreed that none of the Democratic votes—some 30—that were following Mr. Browne should be called upon until enough had been secured to bring about the election of Mr. LORIMER. Enough votes were not secured to bring about his election until seven votes, or four votes at any rate, had been corrupted. So the corruption of those seven votes or four votes, as the case may be, was the thing that brought about the casting of the votes of the other 23 men who followed Mr. Browne in the legislature. Has the Senator thought of that phase of the matter?

Mr. JONES. I have.

Mr. SUTHERLAND. And whether that would not invalidate the election?

Mr. JONES. I think I have touched upon that matter, possibly when the Senator from Utah was not here; that was the thought suggested when I stated that, in my judgment, when Browne's vote was tainted it tainted every man who followed him in that vote, unless it was shown clearly that they were not actually tainted; in other words, the tainting of Browne's vote tainted those who followed him. I will refer later on to the fact that there were some who followed him right or wrong.

Mr. SUTHERLAND. I was not speaking of the tainting of Browne's vote and the effect that that might have had upon those who agreed to follow him, but upon the proposition that it was agreed that the other votes, assuming them to be untainted, were not to be cast until enough votes had been procured to elect Mr. LORIMER. Enough votes were not procured to elect Mr. LORIMER until those seven votes had been corrupted. So the corruption of the seven votes really brought about the casting of the votes which elected Mr. LORIMER. That is the point.

Mr. JONES. I think that position can be well maintained.

Mr. SUTHERLAND. I wanted to call the Senator's attention to that.

Mr. JONES. I have not gone into very many points that are suggested to my mind, and which also have been covered by many others, but I think the point which the Senator suggests can be well maintained.

Mr. FLETCHER. Mr. President—

The PRESIDING OFFICER (Mr. KEAN in the chair). Does the Senator from Washington yield to the Senator from Florida?

Mr. JONES. Certainly.

Mr. FLETCHER. If it will not disturb the Senator's line of thought, I should like to suggest in that connection that the testimony is that Mr. LORIMER's friends were to furnish sufficient votes, or they were to know that he had sufficient votes, before any of the 30 were to be delivered. It was not an understanding that some or enough of the 30 were to be purchased in order to make Mr. LORIMER's election sure. The election was to be made sure by the procurement of votes from his side politically, which, added to the 30 that Browne influenced as followers of his, would bring about Mr. LORIMER's election. That is the testimony, as I understand it, and it is not in accordance with the suggestion of the Senator from Utah.

Mr. JONES. Mr. President, one might spend days analyzing this testimony and taking different positions according to the different viewpoints at which he might look at the testimony. I have simply endeavored to sum up my opinion of the testimony and my conclusions from it after very careful study. I have not presented these matters with the hope or even the desire to influence anybody's vote in this Chamber, but I have simply presented the case as one of the judges in this body in explanation of the vote that I expect to cast when the resolution comes before the Senate for voting.

There is no difference of opinion in regard to the law until it is sought to avoid the effect of conceding that there were seven tainted votes cast; and I do not find that this Senate has ever decided in any case that has come before it that illegal or tainted votes causes the person who casts such votes to be actually eliminated and ejected from the joint assembly in which he participated. In the case of Henry B. Payne, Senate Election Cases, page 700, quoted by the senior Senator from South Dakota, I do find this clear, plain, direct, unequivocal statement of the law:

If these corrupted votes gave the innocent Member his seat, the deprivation of these corrupted votes vacates his seat.

These seven corrupted votes did give Mr. LORIMER his election on the 26th day of June, 1908. Therefore, under the Payne

case, "the deprivation of these corrupted votes vacates his seat." This is a wise, reasonable, and sensible rule of law and simple and just in its application, and no case can be found where it has been departed from.

Mr. President, I will go as far as we can safely go to protect and insure the purity of elections to this body. If it is a safe rule to say that one tainted vote should vitiate an election to the Senate, I am in favor of such a rule, but I am not now prepared to say that it is a safe rule, and it is not necessary to go that far in this case. It is a splendid theme upon which to make a great oration and to appeal to the sentiment of the people, which is strongly for pure elections, but it will bear study and reflection in its application.

The rule laid down that if the tainted votes can be eliminated and a legal majority still remain the election should stand is probably correct if you can determine definitely what the tainted votes are. In the case before us it seems to me that it would be practically impossible to determine definitely and surely all of the tainted votes. The tainting of Browne's vote did not stop with him. There were men like "Manny" Abrahams who voted as he voted, right or wrong. How many, no one knows; but the tainting of his vote tainted theirs even though they were not guilty of any wrong intent. The testimony itself shows—aye, Browne so testifies—that there were men in the Illinois Legislature who voted as Browne voted, whether right or wrong, and any investigation in my judgment tainting Browne's vote also taints these votes. His influence was different from that of the ordinary member of the legislature. Many looked to him as friend, leader, and guide. Whatever he did they accepted as correct, and those who were looking to influence an election by improper means would accomplish a great deal more by influencing Browne's vote than by influencing the votes of dozens of others. It was plain to be seen that if Browne could be bribed, not only would his vote be bought, but that there would be bought with it many other votes.

If in this case there was no testimony showing that Wilson had anything to do with this transaction, and if Broderick even was not brought into it with Holstlaw, but if White and Beckemeyer and Link and Browne were the only ones involved, as they are involved in the testimony here, with Browne at St. Louis on the 15th of July instead of Wilson, I would not be willing to say that a sufficient number of votes were not corrupted to render the election of Mr. LORIMER illegal, because I am convinced that, under such circumstances, to eliminate White's, Beckemeyer's, Link's, and Browne's votes would not eliminate all of the tainted votes in the transaction, and I would be compelled to say that by the tainting of Browne's vote an indefinite number of other votes also were tainted, however innocent of a corrupt intent or purpose the men may have been who actually cast those votes, and Mr. LORIMER's election should be held invalid. In other words, if the tainted vote stands out clearly and distinctly by itself; if it does not appear that it affected or influenced any other vote then we can probably safely stop with its elimination. If, however, there is any doubt as to its influence or effect, if there is any doubt how far any corrupt influence extended or how many votes it affected, we should resolve the doubt against the election in the interest of pure and honest elections and sound and stable government.

Mr. President, I have tried to discharge my duty as a judge in this case. I do not question the judgment, courage, or honesty of anyone who does not see the facts as I see them. I base my action on the record. Newspaper reports and outside statements I have thrown in the wastebasket without reading or consideration. Letters from my constituents I have, of course, read, but they have not influenced me in making up my judgment. I have no sympathy with the criticism made of the members of this committee. They had a trying duty to perform. I believe they have done that duty honestly and conscientiously, and all the more bravely by reason of the popular clamor.

When the Senator from Kentucky says, "In the consideration of the judicial question that is before us, if I knew that every man, woman, and child in Kentucky were of the opinion that I should vote to unseat Mr. LORIMER I would not do it," I know he states the truth. When he says, "If I knew that my vote would retire me from public life, it would not alter my course in this matter," I believe it and his people should honor him for this brave stand for what he believes to be right; and such is my opinion of each of the members of this committee with whom I disagree. History will honor their courage and devotion to duty if it does not vindicate their judgment.

Mr. President, I have wished to sustain the verdict of the majority of this committee because of their learning and ability, their integrity and patriotism. I have wished to sustain their verdict because of my intimate association with Mr. LORIMER in the House of Representatives and my high opinion

of him as a man and a citizen. I have wished to sustain it for the honor of the great State of Illinois, in which I was born and reared, and whose glorious history has enriched the annals of the Republic with the fame and achievements of Palmer, Yates, Oglesby, Logan, Grant, and Lincoln, but I am compelled by my oath, under the facts as I see them and the law as I understand it, to vote to declare the election of Mr. LORIMER illegal and void.

ELECTION OF SENATORS BY DIRECT VOTE.

During the delivery of Mr. JONES's speech, The PRESIDING OFFICER. Will the Senator from Washington kindly suspend for a moment while the Chair lays before the Senate the unfinished business, which the Secretary will state?

The SECRETARY. A joint resolution (S. J. Res. 134) proposing an amendment to the Constitution providing that Senators shall be elected by the people of the several States.

Mr. BORAH. The Senator from Washington is now occupying the floor and I do not know of anyone who will, after he closes, desire to discuss the joint resolution to-day. But before asking to have it laid aside, I want to make a brief statement.

After the Senator from New York [Mr. ROOR] has spoken upon this subject on Friday, I will feel that it is my duty, in view of the shortness of the session, to try to hold the matter before the Senate until it is finally disposed of. I do not know of anyone else who desires to speak on the subject after that time. I simply make this suggestion so that those who may desire to speak upon the joint resolution may have notice.

Mr. SMITH of Michigan. Is it the expectation of the Senator from Idaho that he will reach a vote on the joint resolution this week?

Mr. BORAH. In view of the fact that Saturday is set apart for another purpose, I have my doubts about it, but what I have hoped to do was to keep it before the Senate so that we might dispose of it very early next week.

Mr. SMITH of Michigan. I am very much interested in the joint resolution and I would dislike to be absent from the Senate when the vote is taken. A number of Senators, however, will attend celebrations of the birthday of Lincoln on Saturday, and I was going to suggest to the Senator from Idaho that we would appreciate it very much if we were to be advised that the matter would not be brought to a vote at that time.

Mr. BORAH. The Senator from Idaho will not undertake to press it at a time when any Senator who is in favor of it is absent. I will take into consideration the suggestion of the Senator from Michigan.

Now, Mr. President, I ask unanimous consent that the unfinished business may be temporarily laid aside.

The PRESIDING OFFICER. The Senator from Idaho asks unanimous consent that the unfinished business be temporarily laid aside. Is there objection? The Chair hears none. The Senator from Washington will proceed.

Mr. CRAWFORD. Mr. President, I suggest the absence of a quorum. I think there should be more Senators here.

The PRESIDING OFFICER. The Secretary will call the roll. The Secretary called the roll, and the following Senators answered to their names:

Bacon	Culberson	Heyburn	Richardson
Borah	Cullom	Jones	Root
Bourne	Cummins	Kean	Scott
Bradley	Curtis	La Follette	Shively
Brandeggee	Depew	Lodge	Smith, Md.
Briggs	Dick	McCumber	Smith, Mich.
Bristow	Dillingham	Martin	Smith, S. C.
Brown	du Pont	Nelson	Smoot
Bulkeley	Fletcher	Nixon	Stephenson
Burkett	Flint	Oliver	Stone
Burnham	Foster	Overman	Sutherland
Burrows	Frazier	Owen	Swanson
Chamberlain	Frye	Page	Taylor
Clapp	Gallinger	Percy	Thornton
Clark, Wyo.	Gamble	Perkins	Warner
Clarke, Ark.	Gronna	Piles	Warren
Crawford	Guggenheim	Rayner	Watson

Mr. BACON. I desire to announce that my colleague [Mr. TERRELL] is detained from the Senate by illness, personal illness.

The PRESIDING OFFICER. Sixty-eight Senators have answered to their names. A quorum of the Senate is present. The Senator from Washington will proceed.

SENATOR FROM ILLINOIS.

After the conclusion of Mr. JONES's speech,

Mr. FLETCHER. Mr. President, as a member of the Committee on Privileges and Elections, personally I wish to thank the Senator from Washington [Mr. JONES], who has just taken his seat, for his kind reference and for the very fair way in

which he has presented the subject from his standpoint. In a plain and concise way I desire to state my impressions and conclusions in this case and the reasons therefor, based on the evidence as presented.

The Legislature of Illinois met on the 6th day of January, 1909, the Forty-sixth General Assembly.

In due course balloting for United States Senator began, January 19, 1909, the first joint ballot being January 20.

There was no election until May 26, 1909, when WILLIAM LORIMER was declared elected United States Senator.

The governor of the State of Illinois so certified to the Senate under date of May 27, 1909.

On June 18, 1909, the said WILLIAM LORIMER took the oath and signed the roll and became a Member of this body.

On April 30, 1910, the Chicago Tribune published an article furnished by Charles A. White, purporting to set forth corrupt practices in the legislature of 1909, the Forty-sixth General Assembly.

May 28, 1910, Senator LORIMER delivered a speech in the Senate in the nature of an answer to the charges which involved him and his election.

The Legislative Voters' League of the State of Illinois, by its president, Clifford W. Barnes, wrote to Senator CULLOM, under date of June 6, 1910, attaching an affidavit by Mr. Barnes and the article by White, and these were presented to the Senate June 7, 1910.

On June 20, 1910, the Senate passed the resolution authorizing and directing the Committee on Privileges and Elections, or a subcommittee thereof, to investigate these—

Certain charges against WILLIAM LORIMER, a Senator from the State of Illinois, and to report to the Senate whether in the election of said WILLIAM LORIMER as a Senator of the United States from the State of Illinois there were used or employed corrupt methods or practices.

A subcommittee was appointed and began its investigation in Chicago September 22, 1910. It concluded the taking of testimony in Washington the 7th day of December, 1910. It made report to the full committee December 17, 1910, and on the 20th day of December, 1910, the full committee adopted the report with the exception that two members, neither dissenting nor consenting, reserved the right to submit minority views. On the 21st day of December, 1910, the report of the committee, concluding with the finding that the election of Mr. LORIMER was legal and valid, was submitted to the Senate. On the 19th day of January, 1911, the views of the Senator from Indiana [Mr. BEVERIDGE] were presented, with a resolution. On the same day the Senator from Oklahoma [Mr. OWEN] submitted a resolution. Both the last-mentioned resolutions declared that Mr. LORIMER was not duly and legally elected. On the 30th day of January, 1911, the Senator from Tennessee [Mr. FRAZIER] submitted his views, differing with the majority.

At the first public hearing in Chicago Mr. Barnes stated to the subcommittee:

It seems to me, Mr. Chairman, if I may add just a word, that the time and effort which the Tribune has put into this investigation clearly places them in the front rank as a party qualified to give testimony. It is quite without the province of the Legislative Voters' League to employ lawyers in this matter, nor have we the evidence at hand which would make it possible for us to submit to your honorable body such testimony as would give you the proper data on which you should act. I feel confident that the Tribune can do this (p. 14).

The chairman then asked Mr. Barnes:

I understand you do not care to appear personally or by attorney?

Mr. Barnes replied (p. 15):

No, sir; I should prefer not to.

Mr. Barnes urged that the investigation proceed, and stated (p. 22):

We have, to be sure, been out in the State trying to defeat such men as Mr. Lee O'Neil Browne and Mr. Shurtleff and Mr. Broderick, and others who represent those parties and who stand for dishonesty, who stand for the lowest kind of corrupting politics.

Again, he says:

You have it in your power to bring evidence which the court here in Cook County could not consider, and I have no doubt at all, as the Hon. Judge Haney has remarked, that should you see fit to call Lee O'Neil Browne and Mr. Broderick and Mr. Shurtleff and others here, the testimony they would give would be so damaging that they would doubtless be defeated at the coming election (p. 23). * * * I wish, Mr. Chairman, that you might hear from the representative of the Tribune, Mr. Austrian, who is now acting as temporary counsel.

These remarks suggest the question whether the purpose was to use this committee to defeat Mr. Browne and others at the approaching election as the main object of the investigation.

Mr. Austrian appeared before the subcommittee and stated (p. 27):

Now, I say that we have the names of and we have the witnesses, we have the documentary proof and the evidence, and we, the Chicago Tribune, are thoroughly responsible; no one will gainsay that for a moment; we ask in all fairness, not as prosecutors, but simply to aid, assist, and help you in this matter as much as possible.

On the 23d of September the chairman announced that the committee would permit the appearance of Mr. Austrian for the Chicago Tribune and Judge Haney for Mr. LORIMER as counsel in this investigation, and denied the motion for postponement of the hearing.

In his remarks, Mr. Austrian (p. 25) laid down the law governing the case in the following language:

No two rules of law are better settled and established than these: First, that you must either connect the sitting Senator with the direct charges of bribery himself, or, second, that you must say that so many votes have been swung to the Senator-elect as to, by corrupt methods and practices of bribery, take from him that majority which he had.

The same rule, in substance, is announced in Election Cases, Senate of the United States (Taft, Furber, Buck, vol. 3, p. 706), as follows:

Your committee are also of the opinion that if the evidence fails to show that the sitting Member was guilty of bribery of any member of the caucus or the legislature, or had any personal knowledge or agency in the bribery, or the corrupt use of money to secure his election, then the Senate must be satisfied by legal evidence that a sufficient number of the members of the legislature were bribed by the friends of the sitting Member to secure the votes of enough members of the legislature to insure his election, and that without the votes thus corruptly obtained the sitting Member would not have been declared elected.

This was the case of Henry B. Payne, of Ohio, who qualified to take his seat in the Senate as Senator from the State of Ohio March 4, 1885. The report of the special committee of the house of representatives of Ohio appointed to investigate charges of bribery against four of its members, together with the evidence taken by that committee, was presented in the Senate April 26, 1886, and was referred to the Committee on Privileges and Elections May 11. Other data were filed with the committee, as shown by the report of the case. July 15 three reports were submitted by the members of the committee. Two of these, signed, respectively, by four and three of the Senators composing the committee, reached the conclusion that there was not sufficient evidence offered to warrant the Senate in proceeding with an investigation, while the third, signed by two of the committee, held that an investigation should be made.

It was not questioned by any member of the committee that to deprive a Member of his seat it must be shown by legal evidence that he was personally guilty of the corrupt practices charged or that the corruption took place with his sanction and encouragement, or else that a sufficient number of votes was changed by the fraud or corruption charged to affect the result and to secure an election which otherwise would not have been obtained (p. 700).

Upon consideration of the report, a resolution authorizing the committee to investigate the charges affecting the title of the said Henry B. Payne was lost—yeas 17, nays 44. On the question to agree to the recommendations of the committee in its report, that the Senate make no further investigation of the charge involving the right of Henry B. Payne to his seat, that the committee be discharged from the further consideration of the matters referred to them, and that the whole subject be indefinitely postponed, the yeas were 44 and the nays 17.

It appears from the record that in the primary in which the candidate for the United States Senate was nominated Mr. LORIMER was not a candidate, and it further appears that the primary ballot for United States Senator showed the following vote:

Albert J. Hopkins	168, 305
William E. Mason	86, 596
GEORGE EDMUND FOSS	121, 110
William G. Webster	14, 704

The Democratic nominee was Lawrence B. Stringer.

It further appears that the legislature was Republican by a majority of some 50 votes on joint ballot, and the total membership of the house (153) and senate (51) combined was 204 (p. 38).

Mr. Austrian said (p. 78):

We will endeavor to show by evidence from this witness stand that more than enough votes were obtained by corrupt methods and practices, which, if they had not been obtained in that way, would have defeated Senator LORIMER's election. In other words, the burden is upon us to show that at least six or seven votes, whatever the number may be, were obtained by corrupt methods and practices, from bribery, promises of reward, or otherwise.

And again, when Judge Haney was objecting on the ground that "these acts that they are attempting to charge Senator LORIMER with inferentially are acts that he had nothing to do with," Mr. Austrian replied:

We do not contend that he had anything to do with it. If you should prove that I bribed 53 members of the legislature, and was a second cousin to Senator LORIMER, and never talked with him, but gave each member of the legislature \$10,000 to vote for Senator LORIMER, and 53 of them did vote for him, that that would not vacate his seat—that is not the law.

So at the outset it was practically conceded that there was no evidence and no purpose to attempt to establish the first condition of illegality, to wit, that the sitting Member himself participated in or had knowledge of bribery or corruption practiced in his behalf.

Equally it was announced that the case of the parties bringing or instigating the charges would rest on the other condition necessary to defeat the election, to wit, that enough members were corrupted by bribery or otherwise to produce the majority necessary to an election by their votes, which, if eliminated, would leave the winning candidate without the required number.

It has been argued here that Mr. LORIMER combined and conspired when the legislature met, and before, to organize the legislature, to elect Shurtleff speaker of the house and Lee O'Neil Browne leader of the Democratic minority. There is no evidence to support this contention. The assumption of any understanding or cooperation between Shurtleff and Browne, by which Browne was to help Shurtleff become speaker, and Shurtleff to help Browne become minority leader, for legitimate or illegitimate purposes, is without justification by the evidence.

It is even a more unwarranted assumption that Mr. LORIMER had anything to do with such supposed combination.

It is a still more violent assumption, wholly without a sustaining circumstance, that this combination was effected with the idea and plan to bring about the election of Mr. LORIMER.

It appears that Mr. LORIMER was at Springfield and before the legislature "active on the matter of deep-waterway legislation" for a considerable time before his candidacy for United States Senator. Browne did not know what he was doing there, except that "he was very active on the matter of deep-waterway legislation" (p. 649).

This was before he became a candidate; therefore he was not there at first as a candidate.

The first Browne knew of Mr. LORIMER possibly becoming a candidate was about three weeks before May 26. He says (p. 592):

I think probably two weeks or more—it might have been three—before the election of Senator LORIMER, another member of the house, a Republican, a friend of Mr. LORIMER's, came to me and broached the subject of Mr. LORIMER's election, and wanted to know what I thought about it; wanted to know how many of my boys, as he put it, or my fellows, would vote for LORIMER. I told him at the time it was a matter I had not considered at all. I told him things had gotten in a condition, owing to the length of the deadlock, that a good many of them were willing to do anything within reason to end the condition. I told him that I could not speak for anyone but myself, and that as for myself, I could not tell him whether I would be for Mr. LORIMER or not because I would have to think it over. * * * I think it was between two and three weeks (p. 593) before the election.

One Shannahan "did suggest something about Mr. LORIMER becoming a candidate," but it made no impression, and there was no discussion. The man first referred to was the speaker, Mr. Shurtleff (p. 594).

Within a week or about two weeks before the election Browne made up his mind what he would do. Later he notified Shurtleff what his conclusions were, and within a week or 10 days or less of the 26th of May he saw Mr. LORIMER and had his first talk with him about his election (p. 595). He had made up his mind "to be with Mr. LORIMER," and had so told Mr. Shurtleff. He then told Mr. LORIMER that, conditionally—that is, that he would not consent to having a single Democratic vote that he had any influence with cast for Mr. LORIMER unless his election was an assured thing (p. 595). This was not an unusual or unreasonable condition. There was nothing in that stipulation either strange or new. It does not at all follow that the effect of it was to increase the market price of votes. It is a mere inference, scarcely well founded, based necessarily on a general suspicion only, that the purpose was to make more valuable the votes which Browne, as chosen leader, might influence. The reason given by him for that condition was not novel or absurd.

So that the evidence is the contrary to the claim that Browne and Shurtleff were furthering the scheme to elect Mr. LORIMER Senator when the legislature was organized.

We first find Mr. LORIMER mentioned in that connection after a protracted deadlock lasting four months or more.

Alschuler first knew of Mr. LORIMER's pronounced candidacy three days before his election (p. 473). Mr. De Wolf testified to the same effect. There was no hope of electing a Democrat. It was clearly demonstrated the Republican primary choice, Hopkins, could not be elected. Plainly it was a "dark-horse" proposition. Many Democrats were personal friends of Mr. LORIMER. Many of them were in accord with his views on the waterway question and believed he had rendered great service in that cause and could be of still greater usefulness if placed where the opportunities would be found. There is no suggestion that any other man occupied so favorable a position.

The logic of the situation led straight to LORIMER. He was no stranger. He was not a person unheard of save for his money. He was not unknown in public life. He was not without merit and strength. He had been before the people on numerous occasions and he had made a record in Congress. He had a personal, a party, and a nonpartisan following. We

may say he was no novice in the game of politics. We may also say he had made a reputation in the field of statesmanship. A politician is a trader, a manipulator of forces—not necessarily corrupt. A statesman may be a good politician. A good politician may never become a statesman.

Why, under the circumstances mentioned, should the fact that Democrats turned to Mr. LORIMER, and Republicans likewise, as their choice when, after many months of an unending deadlock, they found their respective primary nominees could neither be elected, give rise to suspicion of wrongdoing?

Was there anything extraordinary in such a course? Plainly a crisis had been reached when either there would be no election or a compromise candidate must be decided upon. At that stage it can not be argued that by reason of his reputation, his character, his standing, or that because of want of qualifications, or fitness, the choice of Mr. LORIMER was so absurd or unreasonable as to justly give rise to the suspicion that corrupt methods had been pursued or corrupt practices resorted to in his behalf.

Quite otherwise; in the circumstances he was the natural selection, the logical solvent of all the difficulties, and the fact that the minds of those who were looked to for suggestions and guidance turned to him is indicative of good faith and patriotic purpose, uninfluenced by any ulterior motive. Nor is it strange that Shannahan should think of LORIMER about May 5 and that Shurtleff should come to Browne about that time with the inquiry whether the Democrats would vote for Mr. LORIMER or not, and even express the hope that they might consider it and see their way clear to do so. That course of things was entirely natural and reasonable. There is no evidence anywhere that Mr. LORIMER or his friends had been spending money in entertainment or in any way to help along this sentiment. There is no evidence that at any time during the session Mr. LORIMER or his friends exhibited or showed evidence of having money or of employing it in a significant or questionable way. The most that can be said is that some vague rumors to the effect that money was being used or undue influence exerted were in the air, but these were too indefinite and uncertain to be entitled to consideration. Probably no legislature entirely escapes rumors or reports of that kind. The "striker" and the "grafter" will see to it that a suggestion of that kind is started, at least. Mr. Donohue testified that the first thing he "heard at Springfield was that Hopkins was trying to buy some votes" (p. 520).

So that leading up to the 26th of May nothing can be pointed to in the occurrences that would warrant suspicion of improper conduct on the part of Mr. LORIMER or his friends.

The choice of Mr. LORIMER that day in itself had no feature of the remarkable or startling about it. So far as the record shows, it occasioned no surprise; in fact, it shocked no one except possibly the defeated and thereby disappointed. On the first roll call of that day he received 108 votes out of the 202 cast on joint ballot. He was declared elected. The legislature adjourned on June 4, 1909. The governor issued the State's certificate May 27, 1909, and Mr. LORIMER entered upon his duties here June 18, 1909, without a protest or word of objection or suggestion of irregularity from anyone. There were three weeks in which complaint or charges of corruption and protests might have been submitted before Mr. LORIMER presented his credentials and took the oath of a Senator.

After serving here over a year the documents forming the basis of this inquiry were presented, and then for the first time it was claimed, when more than 12 months from the adjournment of the legislature had passed by, that bribery was rampant in the legislature and money was used in a most reckless way in the purchase of votes of members for Mr. LORIMER; that the legislature was reeking with corruption, and it was everywhere discussed; and that the election of United States Senator ought to be declared illegal and void.

The rottenness now pictured it would seem would have smelled to heaven, and no disinfectant could have disguised or deodorized it at that very time. Yet a year passes before the charges are made. We must remember that the legislature had more on its hands than the election of a Senator. There were furniture contracts; probably some public-utilities proposals; maybe some prohibition proposition. The means of supplying the customary jack pot were likely ingeniously—and as usual—devised. There were members of that legislature who were not as white as snow. Quite a few of them had no sprouting wings. I will go so far as to say some of them were no credit to the great State of Illinois. I will go further, and say it is almost inconceivable that some of those men could have been chosen to make laws for their State. No law they could make they were not willing to break. I hesitate to further characterize them, but I may be permitted to adopt the language of a citizen

of the State, actuated by high purpose, when he refers to some of those members, although I do not adopt the application, as those "who stand for dishonesty, who stand for the lowest kind of corrupting politics," and to further employ the words of Mr. Barnes when he appealed to the committee to "help us purge out of the State a lot of rascals who ought to be removed by force." Of course, this was a task beyond the jurisdiction and the power of the committee. The great State of Illinois will be able to clean her own house. But, Mr. President, the question arises, Is every man who had to do with that legislature to be smirched by reason of that situation? Is Mr. LORIMER to be condemned simply because some of this type of legislators voted for him? These men each had a vote. That vote was to be cast and counted for some one. Were none of such votes cast for others than Mr. LORIMER? Because they were capable of corruption must we assume they were corrupted, and in respect to the election of United States Senator? Because there was a general corruption fund, if there was, in which they participated—customarily provided, one of the established institutions of the Illinois Legislature, accumulated in the irregular course of promoting or preventing legislation, usually divided out about three weeks, when all was quiet, after the legislature adjourned—are we to visit that stigma upon every act and every vote of the members of the legislature?

Are we justified in concluding that because Mr. LORIMER was elected by such a legislature he was a beneficiary of this boodle, that these boodlers would not vote without "the necessary;" therefore some one supplied it and the vote for Senator was cast in consideration thereof? I submit that would scarcely be warranted. We must not forget that the presumption in the outset is in favor of the regularity of the election. *Prima facie*, Senator LORIMER has a valid title to his seat. No act of his has been shown to cause its forfeiture. No conduct on his part contributed to procure it fraudulently or corruptly. He had a right to aspire to the office. He had a legal right to be in Springfield and to listen to and even encourage his friends in legitimate plans and steps which might lead to his election.

His conversation with Shephard, wherein Shephard says he promised that he would do all he could to prevent either Richards or Becker from being appointed postmaster, upon which condition Shephard said he would vote for him (p. 332), could scarcely be construed as a bribe. With all deference to the distinguished Senator from Ohio [Mr. BURTON], I think this occurrence has been exaggerated in circumstance and importance.

It appears both the men are in the same office still. It does not follow but what Mr. LORIMER's actions would have been the same whether Shephard voted for him or not. He may have considered the request perfectly proper and legitimate and he may have been perfectly willing to grant it if he was placed where he would be consulted about it.

It would be going very far to class that promise in the category of bribes. Under the circumstances, a promise of that kind was not unreasonable to exact. Candidates are often required to state their position on public questions in advance of an election and to state their attitude on even local matters. In doing so, they may be properly influenced by conditions and facts, such, for instance, as the statement by Shephard that the men in question had been pursuing and persecuting him for years, one of them a man who had "maligned" him "in his newspaper for nine or 10 years" (p. 318).

This is the only direct act calling for criticism on the part of Mr. LORIMER himself.

It seems to me we could not safely base a condemnation of his election upon that. It would make a very dangerous precedent. Such a promise might be made with no moral delinquency in contemplation of either party. The precise words used and the *res gestæ* would have to be considered in each instance. It would not be wise to adopt a rule unseating an officer on that showing alone.

The question, then, is, Who and how many, if any, members of the legislature were bribed or were induced to vote for Mr. LORIMER for a corrupt consideration?

When the report of the subcommittee was submitted to the full committee it contained this language:

Four members of the general assembly which elected Mr. LORIMER testified to receiving money as a consideration for their votes.

I called attention to that clause, and stated I did not so understand the testimony—that while they testified to receiving money, each of them said he voted for Mr. LORIMER without consideration of any kind being paid or promised. I understood the chairman and the committee to agree with that, and the chairman to state he would have the wording corrected. I find that language carried into the report (p. 3) filed December 21, and I think it is a mistake. I do not so understand the testimony and will refer to the record in discussing it later.

How does all this trouble originate? What is the source of all the dirty disclosures appearing in this record?

One Charles A. White was a member of that legislature, and as a grafter, a boodler, and all-round crook he might be termed, in the language of the street, "the limit."

Counsel for the Tribune, and certainly the Senators who have spoken in support of the minority views, have about exhausted the vocabulary in holding White up to ignominy and scorn. I would not attempt to add to their designation. The compensation of the legislators was about \$2,000, with an allowance of \$50 for stationery. This was more money than most of them could earn at their ordinary occupations for the same time. They ought to have saved quite a little. Besides, they had their mileage. But White was a riotous liver, a spendthrift, a dissipated "sport," and unconscionable scapegrace generally. He borrowed wherever he could, was always in debt, and when the legislature adjourned he had nothing unless there was a final payment due him by the State as a member of the general assembly then made, and matters went from bad to worse. He appealed to Lee O'Neil Browne, whom he supported as minority leader, who felt kindly toward him and desired to aid him, and did make him several loans. White gave his notes and wrote appealing letters to Browne—not at all after the manner of a man who had his hand on Browne's throat. They were begging letters, not demands. Browne endeavored, in response to his pleading, to get a job for him, but he was not satisfied with an ordinary position. He did not want or intend to work. His aim and effort were directed to getting money without work. He conceived the idea of writing up his experiences as a lawmaker. Of course, that would bring no money if it did not contain some inside disclosures of a sensational character. Undoubtedly there is some truth in the story. Not all of it is fabrication. Mr. President, there are three kinds of truth—one is "the truth," another is "the whole truth," and the other is "nothing but the truth." White has not observed that, if he knows it. The narrative was more salable if it pretended to locate corruption in the senatorial election than if it placed that sort of thing somewhere else. White was after money; it was easy money, not easy conscience, with him. He reasoned that Mr. LORIMER himself might submit to blackmail.

If he did not, he had enemies or there were enthusiastic reformers who would want the article and be willing to pay for it if it was "salty" enough. He devised a story—not to tell, but to sell. Note his boasts to his friends. That was a shrewd conception, and he got about all the idea and the effort were worth. He capitalized it at \$3,500, and apparently has been well treated and taken care of ever since the story was published last April. It was quite a stroke for White. It touched some sore places, too, and it was the foundation for some proceedings which have clarified the atmosphere to some extent and let in sunlight on the workings of the legislative department of a great State. It may have had some relations to the promptings of consciences whereby half a county in a certain State came forward to confess to the barter and sale of their votes. It may have stirred inquiry into the conduct of the last election in the Danville district. But what had it really to do with the election of Mr. LORIMER to the Senate?

So, then, we find the origin of these charges in the delectable White, who gloats over his accomplishments as a bribe taker, and his penchant for lying and his capacity for indulgence in varied and steeped rascality. This is the fountain source of the story of the foul stream of corruption which flowed through the capitol at Springfield, and which, it is alleged, poisoned the senatorial election. It does not follow that there was no health in anything that was produced there. It would be going too far to claim that the very air was so polluted that it vitiated every act of the legislature and penetrated every individual. Bad and reeking as the slime of corruption is painted, it would not be fair to hold it besmirched everyone who had any relations with that general assembly.

The whole membership was not made up of the material which, after a year of search, has been placed on the griddle as this record shows. No one would punish the most worthless human being on the testimony of White alone. White's praise would be a curse, his assault a credit, to any decent man. Browne never knew him until he was elected to this legislature (p. 39). May 24, 1900, he says he had his first conversation with Browne about voting for Mr. LORIMER (pp. 39, 40). He favored Browne as minority leader, and it was natural they should become well acquainted.

On May 25 he says he asked Browne what he was to receive for voting for LORIMER, and he said:

You will get \$1,000, and it will be ready cash, too (p. 41).

He wanted to know how much he would get "from the other source," and he says Browne replied:

You will get about that much or a little more (pp. 41, 47).

In reference to "the other source," White said:

I was told by certain members that had been there before that there was a split up at the end of the session, and that had been an established custom.

Asked the purpose of this jack pot, he said:

Well, sir, I don't know, except for the strangling or killing of legislation or the passing of legislation. I don't know. That was the understanding, and Mr. Browne did not tell me from what source the money came, and we did not discuss that phase of the question (p. 47).

Asked if the jack pot had an influence upon his voting for Senator LORIMER, or if it was a part of the promise to so vote, White replied:

I had drawn no conclusion to that effect at that time (p. 49).

And he said further he would have voted for Mr. LORIMER for the \$1,000 and without the jack-pot division (p. 49).

He says he received from Browne \$100 in Springfield about the close of the session, and \$900 in the Briggs House in Chicago—\$50 June 16 and \$850 June 17 (p. 54).

White borrowed \$50 from Browne September 8, 1909, and gave his note (p. 118) due in six months.

Again, September 23, 1909, he tried to borrow \$100, but got \$50, sending his note (pp. 122-123).

These notes for \$50 each were paid after the 30th of June, 1910.

White lived at O'Fallon and Browne at Ottawa. White wrote:

Now, I am going to ask you to try and do me a favor, and, if you can, I promise you that the obligation will be met, and that you won't lose a penny. Will you see if you can get me the money on the note I am inclosing to you (\$100)? That will make \$150 I have borrowed from you since I saw you in Chicago about the last of August (p. 121).

On October 1 White wrote:

I am inclosing you herewith a note for \$50 you loaned me. I appreciate the assistance very much. I will pay this note off as soon as possible, also the other note for \$50 you hold against me. * * * Have my ring in pawn for several dollars and am financially down and out (p. 122).

These letters are not consistent with the relation of bribe giving and bribe taking between these men. White was not the man to fail to assert and use any advantage he might have, especially when he was in such need of money. If he had been where he could disgrace and ruin Mr. Browne, he would have been making demands, not appeals; he would have specified the amount wanted and made no mention of a promise to repay. He certainly would not have taken the trouble to execute notes to cover the loans.

But White swears he was bribed; swears it strongly and repeatedly. He says Browne paid him \$1,000 to vote for Mr. LORIMER, and Wilson paid him \$900 as his part of the jack pot. White, Link, Clark, Shephard, and Luke went into Wilson's room on July 15, 1909, at the Southern Hotel in St. Louis (pp. 81, 722). Wilson invited Shephard into the bathroom, and after he came out White was invited in, and says:

He (Wilson) counted nine \$100 bills into my hand, and said that was all of it, and he was glad to be relieved of the burden (p. 81). He said Mr. Browne was sick and he had come down for Mr. Browne (p. 81). I remained in Mr. Wilson's room until such time as he was ready to go to the depot.

The remarkable thing here is that White did not see each and every man go into the bathroom and come out wreathed in smiles and with pockets bulging. But he did not. White, wonderful to relate, said:

I was called in after Mr. Shephard; no one else went in there that I saw or know of.

He was there all the while and left the room with Wilson. Shephard swears no money was received by him. So does Clark. Luke is dead.

Wilson swears that he met Beckemeyer, Luke, Shephard, Link, Clark, and White in St. Louis, July 15, and that he expected to meet them (p. 723). Wilson swears he—went down to see some of the southern members of the Illinois house with regard to a banquet to be given to Lee O'Neill Browne (p. 727).

Tippett had given his followers a banquet in June (p. 727). This may be a "punk proposition for pale people," but it does not follow that the meeting had to do with the senatorial election.

Clark, Link, Shephard, White, Luke, and Beckemeyer were in the room at the Southern Hotel with Wilson (p. 729). Wilson testified as follows (p. 729):

Q. Did you pay Mr. White any money on that day?—A. No, sir.
Q. Did you pay Mr. Beckemeyer any money on that day?—A. No, sir.
Q. Did you pay Mr. Link any money on that day?—A. No, sir.
Q. Did you call Mr. White into the bathroom?—A. No, sir.
Q. Mr. Wilson, did you ever pay White, Link, Beckemeyer, Holstlaw, or any other member of the general assembly any money or anything of

value at any time to vote for WILLIAM LORIMER for United States Senator?—A. Absolutely no.

Q. Did you ever pay anybody any money or any other thing of value, at any time, because they or anybody else had voted for WILLIAM LORIMER for United States Senator?—A. No, sir (p. 743).

There is no testimony whatever that Shephard or Clark received any money or participated in any distribution on this occasion. They swore positively they did not. Neither is there any evidence that Luke went there for money, or received any.

Mr. Browne says:

Wilson was not one of my lieutenants; he did not make a trip to St. Louis for me (p. 549).

That he never paid White \$1,000 or any sum at any time or place on promise he was to vote for Mr. LORIMER, or because he had voted for Mr. LORIMER, and he makes the same answer with reference to Beckemeyer and Link (p. 649).

He denies the conversation in toto with White the latter sets forth in reference to voting for Mr. LORIMER. He swears "nobody, either before or after Mr. LORIMER's election, placed any money in my hands for campaign purposes" (p. 661). He denied that he was paid or promised any money or thing of value for voting for Mr. LORIMER. Browne went to Chicago, then to Springfield on business, then to St. Louis, where he met Shephard, Link, Beckemeyer, and Luke on June 21, 1909. His explanations of the purpose of that meeting are reasonable, as given on page 605. There were three meeting places for the Democrats—those from southern Illinois at St. Louis, those from central Illinois at Springfield, and those from northern Illinois at Chicago (p. 606). Browne swears he did not pay Beckemeyer or Link any money (p. 608).

A point was made by the Senator from Idaho [Mr. BORAH] that Mr. Browne could not give the conversation he had with the different members he met in St. Louis as recited at page 606, but the following question and answer appear immediately after those quoted and furnish a reasonable explanation, to wit:

Q. Can you tell anything you said to any one of these men or any one of these men said to you at that conference that you had with them in the Southern Hotel at St. Louis on the 21st of June?—A. You ask me if I can detail any specific conversations there, in substance or in words; I say no; if you ask me what we talked about, I can tell you.

Q. Well, tell us.—A. I have; just what I went there to talk about. He had already given the purpose and nature of the conference.

Although it has been stated here Meyers's testimony as to conversation with Browne on the floor of the house was uncontradicted, except by the page and a member of the house, the fact is Browne swore positively that he did not send for Meyers during the roll call, did not have the conversation Meyers testified to with him, and that Meyers did not come to his desk (pp. 647-648), as he states.

Browne denies that he ever gave White any money at the close of the session, as White says (p. 640), and, in fact, denies every material fact and circumstance tending to show that he participated in any corruption with respect to the senatorial election. His testimony throughout gives the impression of truth and frankness. Under severe cross-examination, at times exasperating to the point of insult, he maintained his composure and gave straightforward, unequivocal answers, without evasion or concealment. White is the only man who swears he was bribed to vote for Mr. LORIMER. He is impeached by a large number of witnesses—about 15. He was hard pressed for money and capable of any performance to get it. It shocks the moral sense to be asked to place any reliance whatever on any statement he might make.

So we pass to the others he names.

WILSON.

It is not claimed that Wilson paid any money to anyone to vote for Mr. LORIMER, or promised any consideration for any such vote. No one has attempted to show that Wilson's vote for Mr. LORIMER was a corrupt vote. He denies positively that he received, for himself or others, any money or other thing of value to promote the election of Mr. LORIMER. If he opened any jack pot and divided the contents—and the weight of the testimony is against such conclusion—they were the spoils pertaining to legislation, and had no connection with the election of a Senator. We would not be justified in concluding, if a general corruption fund or graft accumulation was shown to exist, that some portion of that fund came from Mr. LORIMER or his friends, without some evidence to that effect. Wilson's vote has not been shown to have been purchased; nor is it shown that he purchased other votes.

BRODERICK.

Holstlaw says Broderick paid him \$2,500 on the 16th of June. It appears Holstlaw was in trouble about a furniture deal—furniture for the statehouse (p. 565).

Broderick denies that he paid Holstlaw any money. He was a senator—there were no factions in the senate. He "never knew Mr. Browne much." He says:

I do not think I exchanged three words in my whole life with Mr. Browne.

He was asked:

Did you ever pay any money to any member of the legislature for any purpose?

And he replied:

No, sir (p. 568).

He was further asked:

Did you vote for Mr. LORIMER on the day he was elected because he asked you to vote for him on that day?

He answered:

No, sir; I would vote for him anyway, if he had not asked me. Q. Would you have voted for Mr. LORIMER a week prior to that time had he requested you to do so?—A. I would two months before that, because I knew we had no chance with our man (p. 568).

He further testified he never gave anyone money for voting for Mr. LORIMER; never told Holstlaw there would be \$2,500 in it if he voted for LORIMER (p. 548). That he voted for Mr. LORIMER—

Because he has been a friend of mine for many years. * * * not because of anything of value offered me (p. 549). Mr. LORIMER came to me that morning, May 26, and told me he was going to be elected, and asked me to vote for him (p. 560).

The following appears (p. 561):

Q. Now, Mr. Broderick, did you know of any financial transactions with reference to the election of United States Senator?—A. No, sir.

Q. Never heard of any?—A. No, sir.

Q. At no time?—A. No, sir.

Q. Or place?—A. No, sir.

Holstlaw himself testified he had made up his mind to vote for Mr. LORIMER weeks before the election, and that the \$2,500 and \$700 he claims to have received from Broderick were not paid him to induce him to so vote or as the price of his vote. He was indicted for perjury in connection with the furniture deal mentioned, and he got relieved of that indictment by telling the story of the \$2,500.

The distinguished Senators from Idaho [Mr. BORAH] and New York [Mr. ROOR] made a point that Broderick refused to answer certain questions on the ground that his answer might incriminate him.

It will be remembered that Broderick is under indictment. His counsel advised him, and he acted on that advice with reference to his examination before the committee, and it is not sufficient to discredit him that, on the advice of counsel, he did not feel that he should disclose his defense and his witnesses which he expects to use in his own case (p. 551).

He told the committee:

Mr. Chairman and gentlemen of the committee, there won't be any difficulty in getting me to answer every question that is put to me until he puts one to me that might interfere with my defense when my trial comes off (p. 554).

The argument has proceeded as if Broderick had refused to answer any questions of consequence. An examination of the record will show he answered directly every question put to him as to conversation with Holstlaw and the payment of money and other material facts.

It is astonishing that the point should be made and the discussion proceed just as if Broderick had refused to testify at all. Turning to the record of this case it will be found that he did testify:

At time Holstlaw was in my saloon must have been 10 or 12 at bar and maybe 20 or 30 farther back; I stood at side of the bar.

Did not hear of any jack pot any more than I might read in newspapers; do not know of any fund contributed or paid to members.

Did not, so far as I know, ask any member to vote for LORIMER; talked I was going to vote for LORIMER if opportunity presented.

Do not think I ever discussed election of Senator with Holstlaw any further than I might say "It looks like LORIMER could be elected."

Had been asked to vote for LORIMER by good many men.

Have been elected to the general assembly twice.

Holstlaw and I did not go into my front office; he remained mostly at lower end of bar; refuse to answer who else were present; my bar-keeper was present; possibly 10 or 15 people there.

Holstlaw had been waiting for me when I came to my place of business.

Holstlaw remained in my place presume half or three-quarters of hour; did not go out with him when he left.

Holstlaw was indicted in Sangamon County on the furniture deal; no connection with election of Senator.

Holstlaw's object in putting that story on me was he got indicted in Sangamon County, etc.

Never got anything of value because I had voted for LORIMER.

Never had any business dealing with Holstlaw; never paid any money to any member of legislature.

Never had any financial transaction with Holstlaw.

Never heard of any financial transactions with reference to election of Senator.

Never knew Holstlaw in my place of business but once; think it was about month of June, in forenoon.

Never on any occasion gave Holstlaw \$2,500 or any money; did not give him \$700; never gave anyone money for voting for LORIMER.

Never said to Holstlaw there would be \$2,500 in it for him if he voted for LORIMER.

Voted for LORIMER for Senator because he has been a friend of mine for many years, etc.; not because of anything of value offered to me.

It will be found that Broderick's examination was quite complete.

Should the fact, if it be true, that Holstlaw got \$2,500 and \$700 from Broderick be ascribed to corrupt practice in connection with the senatorial election, when there is positive testimony it had nothing to do with that election, and there is other testimony regarding deals and contracts with which Holstlaw was connected in a corrupt way?

HOLSTLAW.

If Holstlaw intended to vote for Mr. LORIMER anyhow and would have done so, and he so states, the subsequent payment of money to him by Broderick, without any previous promise or understanding, would be most reasonably ascribed to some other transaction not connected with the election of Senator, they both being in favor of Mr. LORIMER, without any reward or the hope thereof. The evidence does not show that either Broderick or Holstlaw voted for Mr. LORIMER in consideration of money or other thing of value. Again, Holstlaw secured a dismissal of the indictment against him by signing a statement and swearing to it, that \$2,500 and \$700 were paid him by Broderick, who said, according to Holstlaw, after he announced he would vote for Mr. LORIMER that there was \$2,500 in it for him. This was the price of the dismissal of the indictment. It follows that neither of those votes should be necessarily rejected as illegal.

Senator PAYNTER asked:

Did you understand from either District Attorney Burke, or any officer of the court there, the judge, or this firm of lawyers that this indictment was to be dismissed against you if you signed this paper?—A. Yes.

The paper referred to was a statement reciting the furniture transaction and also the conversation and transaction with Broderick to which he now testifies.

Q. And that was the agreement between you?—A. Yes, sir. * * *

Q. You were anxious to get rid of the indictment against you?—A. Yes, sir.

Q. You were really more interested in that, weren't you, than you were interested in signing the statement which tells the truth, as you say?—A. I was very much interested in that.

Holstlaw is claimed to be corroborated as to receipt of \$2,500 from Broderick by the bank-deposit slip which he filled out and in which, as it appears, he incorrectly spelled his own name, as pointed out by the Senator from South Dakota [Mr. GAMBLE]. He did not even remember the name of the bank in which he had made the alleged deposit. He is not corroborated, however, in any single statement or inference that this money came from Mr. LORIMER or anyone for him. His own statement that as a member of the committee contracting for furniture he was promised \$1,500 shows he had other things on hand whereby he had arranged for perquisites in addition to his salary. His predicament can not be traced to the senatorial contest. Besides, it overstrains credulity to be asked to believe Holstlaw's story. No reason appears why Broderick should voluntarily make him a present of \$3,200.

We are unable to share in the great sympathy expressed for this legislator by the Senator from Idaho [Mr. BORAH], when we read his own statement that he sold his vote and influence to a furniture company for \$1,500, he being a member of a committee charged with the purchase of some furniture for the State.

That surely had no relation to any corrupt practices in the senatorial election. The downfall and disgrace of Holstlaw he brought on himself in the rascally furniture transaction (pp. 348-349). The "immunity bath" washed that sin away.

CLARK.

There is no testimony which tends to show this was a corrupt vote for Mr. LORIMER, except only that Clark was in St. Louis July 15, where White, Wilson, and others were. No one attempts to show he participated in any corrupt fund, jack pot or other kind, and he testified that he was not promised and did not receive any money or thing of value for voting for Mr. LORIMER (pp. 364-365). He never even talked with Browne or any member of the legislature with reference to his vote (p. 352). No one ever asked him to vote for Mr. LORIMER (p. 351). And yet it is seriously argued that every one of the 30 votes which came from the Browne faction were corrupt.

He said St. Louis was one of the most convenient places for southern and south central people to meet (p. 359).

Mr. Clark is a police magistrate and in the lumber business at Vandalla.

He says Wilson gave as the reason for the meeting in St. Louis that he wanted to talk over the banquet to Browne (pp. 367-368), and that was talked about there. Although indicted

in Sangamon County, charged with some illegal transaction concerning furniture, the pressure has not been harsh or strong enough to compel any "confession" from this Browne-Shurtleff-Lorimer Democrat.

Mr. Clark says he voted for Mr. LORIMER in order to break the deadlock. He had voted consistently for Stringer. He "would have voted for Shurtleff as quick" (p. 359) as for LORIMER.

We must indulge in very violent presumption to find a reason for declaring this vote corrupt and illegal.

I do not think we would be justified in doing so.

LUKE.

The statement was made here that Luke's wife testified he had \$950 in cash when he returned from St. Louis.

The record shows quite a different state of facts. Mrs. Luke testified that after her husband returned from St. Louis he did not show her any amount of money. She said:

Before he went to St. Louis I saw \$950 in his possession (p. 495).

There is no suspicious circumstance in his having \$950 in his possession when he returned from the session of the legislature, where the members received a salary of \$2,000 and \$50 allowance for stationery, and mileage besides.

Luke died February 21, 1910.

The fact only he met certain members of the legislature in St. Louis in June who had all voted for Mr. LORIMER, including Shephard and Clark, who received no money there, would not be sufficient to justify a denunciation of his vote as corrupt and illegal. The presumption of regularity would not be overcome and corruption established by that fact.

BECKEMEYER.

Beckemeyer testified Browne paid him \$1,000 on June 21, 1909, in St. Louis with the statement that it was "Lorimer money" (p. 256).

Browne denies it. He said Wilson handed him \$900 in his room at the Southern Hotel, in St. Louis, July 15, 1909 (p. 228).

Wilson denies it.

He swore that Browne asked him if he could vote for a Republican several days before Senator LORIMER was elected, and he replied:

Well, I might if I knew who the Republican was. * * * The fact of the matter is, we discussed voting for most anybody to beat Hopkins for quite a while before there was any election, and there were quite a number of us expressed a willingness to vote for Shurtleff quite a number of times; and I think, if I am not mistaken, some of the boys did vote for him (p. 232).

Mr. LORIMER was first discussed a week or 10 days before the election (p. 233), he says.

He further swore he did not vote for Mr. LORIMER because of any promise, agreement, or understanding, directly or indirectly, from anybody or from any source, that he would receive anything of value for voting for him or after he had voted for him; that he was—

willing to vote for Senator LORIMER for United States Senator without regard to any money or compensation or other thing of value being given to him by anyone (p. 235).

He wrote the following letter to the managing editor, Chicago Daily News:

CARLYLE, ILL., May 2, 1910.

No one ever talked to me about money for voting for LORIMER. I did it of my own free will and accord. I knew nothing of a jack pot that was distributed, nor did I ever hear of it. I am willing to testify any place on this matter.

After the publication of the White story, Beckemeyer was summoned before the grand jury some three times, was placed in the custody of an officer, and threatened with indictment. He was in custody of an officer from the first week in May until June 30 (p. 260). He escaped indictment upon making the statement that Browne and Wilson had paid him the particular sums.

Beckemeyer admits he has made more than a half dozen contradictory statements about whether he received anything or not; some of them under oath. Which one can we believe? If he voted for Mr. LORIMER conscientiously, without inducement or the promise of compensation, as he says he did, in all his statements, shall we discard his vote because, under severe pressure, he swears differently from what he did at first, to the effect that he was paid money after the legislature adjourned by Browne and by Wilson, which they both swear is not true. Why should credence be given him as to a part of his testimony—that which is damaging—the testimony of a shameless perjurer and bribe taker—as he makes himself out—in preference to the testimony of Browne and Wilson? Are we after the whole truth or only that which will invalidate votes for Mr. LORIMER? This man would have us believe that he neither received nor expected compensation for his vote and yet, after the election, Browne and Wilson, when there was no obligation or

understanding to that effect, made him a payment of \$1,000 and \$900, respectively. The story as a whole is unbelievable and we can have no excuse for picking out any portion of it, and finding that part to be true, when it is contradicted by himself and by others. We must be convinced he is capable of fabricating the whole or any part of his story, and he has made such a mess of the whole, we can not justly conclude, in effect, that he was bribed to vote for Mr. LORIMER, or was paid money because he did.

LINK.

With respect to voting for Mr. LORIMER, Link said some 10 days before the election, he saw Mr. LORIMER, and said, "How do you do," and so forth, and "I personally promised him my vote." Some three or four days before the election Browne asked him would he vote for a Republican for the United States Senate, and he replied that it was according to what Republican he had in view, and Browne replied:

How would Mr. LORIMER suit you, Mike (p. 278)?

He replied that he had "promised Mr. LORIMER a week or 10 days ago personally."

Further, he swears:

I did not sell my vote; I personally promised it to Mr. LORIMER (p. 287).

He says he met Browne at the Southern Hotel, in St. Louis, in June, after the legislature adjourned; went to Browne's room, and Browne said, "Here is a package for you," and handed him \$1,000. He did not ask Browne what it was for, but thought it was campaign money (p. 281).

That at this hotel in July he met Wilson, Shephard, Clark, Luke, and White (p. 283).

Beckemeyer was not there—at least, he did not see him (p. 283). He did not go, nor see anyone else go, into the bathroom. Wilson handed him a package and said, "Here is some money," or "Here is a package," and it contained \$900. He considered it as campaign money (p. 284).

Link did not ascertain or have any knowledge that anyone else was paid any money (p. 286).

In May, 1910, Link was summoned before the grand jury of Cook County, was put in charge of an officer, and was continuously in charge of some officer until he was permitted to go home, about a week, from Tuesday to Saturday (p. 292). The next week he got a subpoena to appear before the grand jury at Springfield, and went there, and a detective went home with him and stayed with him for four days, and until he insisted he should be called off (pp. 292-293). Link lives 15 miles from St. Louis (p. 293). He was indicted for perjury by the grand jury of Cook County because he had testified that he had not met Wilson in St. Louis (p. 294). The State's attorney kept flaunting the indictment in his face and—

Told me if I would go before the grand jury and state that I had received some money from Browne and Robert E. Wilson that I would be cleared and go home a free man (p. 295).

What happened to Link is quite fully set out in the report. He says from time to time for years members of the legislature have been meeting in St. Louis.

He was subpoenaed to appear before the grand jury of Cook County about May 5, 1910.

The State's attorney asked him if he had been paid anything for voting for Senator LORIMER. To him and to the grand jury, he says—

I denied receiving any money for voting for Senator LORIMER.

He was placed in the custody of an officer when he left the grand-jury room and the officer remained with him from Wednesday until Saturday, when he was allowed to go home. On arriving at home he got a subpoena to go to Springfield before a grand jury there. He went to Springfield the following Monday. That evening he returned home and an officer went with him and remained with him at his home four days, claiming it was for his protection, but Link told the officer he needed no protection, that he could protect himself. He went to Chicago with the detective and remained until about June 1. The first trial of Browne commenced about June 7. Link was indicted for perjury. The State's attorney, assistants, and detectives talked with him, flaunted the indictment in his face, spoke of his disgrace, the loss of his home and wife, the penitentiary, and other dire consequences; they advised him to say Browne had paid him \$1,000, and finally the State's attorney told him if he would go before the grand jury and tell what he wanted him to he "could go home a free man and not a perjurer in any manner, shape, or form."

Q. Did you say to Mr. Wayman, "Well, I will go before the grand jury and lie if I have to; but I don't want to?"—A. That in substance.

Q. What did you tell the grand jury, then?—A. I told the grand jury that I had received \$1,000 from Browne, and that I had received \$900 through Robert Wilson. * * *

Q. Did you tell the grand jury that you had received that money, or any part of it, for voting for Senator LORIMER for United States Senator?—A. Positively not.

Q. Just before you went before the grand jury that last time, did Mr. Wayman tell you that if you would go and tell the grand jury what he wanted you to, you would keep out of trouble and keep him from disgracing your family?—A. Yes, sir.

The indictment for perjury was dismissed. Link went home a free man and with no charge against him. Beckemeyer was taken to Indiana by an officer and remained a week in order to keep from testifying before the Springfield grand jury (pp. 258-259). In the criminal court building, a week before the Browne trial, Beckemeyer said to Link:

Our testimony will be alike, word for word.

And Link replied:

No, Beck, I have the best of you; I promised to vote for LORIMER a week or 10 days before Browne spoke to me about it.

He further said:

Beck, I don't believe that LORIMER ever put up a dollar for his election or that anybody else ever put up a dollar for him.

To which Beckemeyer replied (p. 300):

I don't believe he did, either. (Rept., p. 12.)

Link further testified that he never received any money or thing of value at any time from any person because he had voted for Mr. LORIMER, and that he voted for him solely because he liked him and because of his attitude toward the waterway scheme.

Link told the grand jury he did not meet Wilson in St. Louis at first. This was a fact easily proven. He was indicted for perjury. To get that indictment dismissed, he not only had to correct that statement, but he had to go further and say Browne paid him \$1,000 and Wilson paid him \$900.

Nowhere has Link ever connected Mr. LORIMER's name or his election with the alleged transactions with Browne and Wilson. He positively asserts they had no connection with the senatorial election or with his vote for Senator.

Taking his statement as true regarding the receipt of money, which both Browne and Wilson deny, on the whole it does not show his vote for Mr. LORIMER was given for any consideration, or the promise or hope thereof, but the contrary. In that case shall it be rejected? If there was a jack pot or other corruption fund utilized and participated in, unless it appears in some way connected with Mr. LORIMER's candidacy or election, it would scarcely be fair or proper, by mere inference or on suspicion, to visit the sin of that debauchery and corruption upon him.

The methods pursued in extorting what was wanted from Beckemeyer and Link by the authorities can not be approved. They were high handed, tyrannical, and contrary to the spirit of our institutions. They smack of a time when liberty and freedom and due process of law were unknown. If they resulted in bringing to light the covered truth, teaching a salutary lesson to betrayers of public trust, and bringing to the bar of justice bribe takers and bribe givers that deserved punishment should be administered unto them, and in laying before the public a vile condition in the public service, calling for the people's indignation and wrath, we might to a large extent overlook the means resorted to. But have these men done more than "befoul their own nest," bring reproach upon the legislature of a great State, and outrageously lie about each other?

It would appear this scandal suffered a severe attack of infantile paralysis; but when it was considered worth while to risk \$3,500 on it new interest was aroused, and under diligent nursing it became quite robust. Great possibilities of an expert and efficient physician in such a case can be found in a willing State's attorney, well equipped with special officers, detectives, and contingent funds, able to grind out indictments at will and quash them at pleasure, and grant immunity to witnesses; and under his arbitrary and skillful treatment almost any scandal, however feeble and disowned, can be sufficiently vitalized and strengthened to be released from its incubator.

Browne was hurried to trial. These witnesses testified. There was a mistrial. He was again placed on trial before a jury in Cook County—not where he lived—and was acquitted. He, Broderick, Wilson, and about all the members who were candidates for reelection mentioned in this scandalous story of White have been reelected by their constituents, some of them with larger majorities than they ever received before.

It would appear there has been an utter failure to convince the courts or the people that there was truth in these charges. The subcommittee, which had these witnesses before them and could judge of their credibility and weigh their testimony, decided, six to one, that there was no reliance to be placed in White or most of those who undertook to corroborate him.

There is still another witness who had a similar experience to Holstlaw, Beckemeyer, and Link, and his vote is said to be tainted.

SHEPHARD.

Mr. Shephard said (pp. 318-319):

I relied on Mr. LORIMER's promise to do all in his power to prevent Richards or Becker being appointed postmaster; that was absolutely the only cause for my voting for LORIMER.

He told Browne what he would require as to the postmaster-ship, and Browne said, "Oh, that can't enter into it" (p. 317). He gave the conversation with Mr. LORIMER in full (pp. 318-322). He met Browne in St. Louis at the Southern Hotel in June. He also met Wilson there in July. Wilson took him into the bathroom and asked him a question about a lady (pp. 329-330). He swears he—

Did not get any money for voting for Mr. LORIMER or anyone else; never was offered any money, and never heard of any money going to be paid in the Lorimer election and he never expected any money (p. 329).

He did not see Wilson give any of the individuals who were in his room in the Southern Hotel any money or package (p. 322). It was a common practice for people of southern and central Illinois to meet in St. Louis (p. 332).

He was subpoenaed before the grand jury of Cook County. He testified there on Wednesday, and was placed in charge of an officer and so continued until Friday night. He was called back to Chicago Wednesday morning and was examined again. He was required to stand while being questioned, and he is in poor health consequent on a spell of malarial and typhoid fever followed by pneumonia.

As an example of what he, Beckemeyer, Link, and Holstlaw were put through let him tell (pp. 323, 324, 325, 326, 327). This testimony has been quite fully quoted by the Senator from Kentucky [Mr. PAYNTER] in his able address, and I will not repeat it. He was placed in charge of an officer, threatened, persuaded, humiliated, ill treated shamefully. It required considerable courage, patience, and resoluteness on the part of Shephard to persist in the truth, that neither Wilson nor Browne had paid him anything.

CONFESSIONS.

What has been said indicates the circumstances under which the alleged confessions were wrung from the men who said they received money after the election, but not promised or agreed upon before. Holstlaw was indicted for perjury May 28, 1910. After he signed that statement and "confessed" that money had been paid him the indictment was quashed (p. 215). He said he did not know if anyone was being paid to vote for Mr. LORIMER (p. 208). Broderick first approached him this way—

We are going to elect Mr. LORIMER to-morrow, aren't we?

And he said:

I think so, and I am going to vote for him (p. 208).

Mr. LORIMER had not been a candidate or voted for before (p. 209). In spite of this and the improbability of his story, coercion and the temptation offered in relief from prosecution in another matter, we are told Holstlaw's vote must be rejected.

White, thoroughly discredited, "confessed;" and behind that was the miserable wretch, out of money, desperate, and with no prospects; ahead of it was \$3,500. Holstlaw, Link, and Beckemeyer "confessed," and behind each was an indictment for perjury as to the first two, and threat of indictment as to the last, the grilling by the prosecuting officers, the threats of loss of home, disgrace, incarceration, and the hounding of detectives, and expenses of defense; before was the quashing of the indictments, expunging of the record, and personal freedom.

The mass of contradictions, false swearing, mixed with intimidation, leaves us in a fog as to what to believe. The yearning for personal liberty and the fears of the power of the prosecution were no small forces impelling a course which would secure the one and avoid the other. It was not the weight of the leaden heel of remorse but the fear of having their liberty interfered with that prompted the alleged confessions.

Conscience was likely to be silenced under such circumstances. Considering the positive denials of Browne, Wilson, and Broderick, as to the payment of any money, the nature of these alleged confessions, and the res gestae, the presumption of regularity to be overcome by competent, trustworthy evidence, I am unable to conclude that in the election of Senator LORIMER there were used or employed corrupt methods or practices as charged, but I find that under the evidence submitted the charges should be dismissed.

If the Senate will hold that the action of any legislature, among the members of which, during its session when a Senator of the United States is to be elected, a jack pot is established, meaning the accumulation of a fund derived from graft in respect to legislation, to be divided up after the adjournment

among the boodlers, or where corrupt deals are made in the purchase of State supplies, shall be void as applied to the election of a Senator by joint ballot of members of the two houses of such legislature, and a conclusive presumption of corruption shall arise and extend to and cover such election, I will not dissent from such a rule. But that is not the present law or precedent. If the Senate shall hold that whatever the majority may be if one act of bribery is shown to change one vote, although not participated in by the candidate elected, that shall invalidate the election, I will go that length. But that is not in accordance with existing law and precedent. And I would not agree to that rule, except upon condition that the one bribe shall be conclusively established by indisputable evidence. No one can place White in the category of reputable, unimpeached witnesses, and this case would have to be decided in favor of the sitting Senator, even under that rule. Mr. President, I am not one of those who would feel at liberty to throw aside precedent and disregard decisions heretofore made in such cases. They should count for something.

I will not take time to review the testimony further, except that I would call attention to that of one or two, briefly, and particularly to that of Mr. Shurtleff, who is charged with being a leader in the Lorimer conspiracy. He was the Republican speaker—elected by 24 or 25 Republican votes, and all the Democratic votes but two. He is an attorney, evidently in good standing, was speaker of the house in the session of 1905, again in 1907, elected by Republicans, and the third time in 1909. He testified as follows (p. 696):

Q. Did anybody ever give you any money, or other thing of value, at any time or place, to aid in any way in the election of WILLIAM LORIMER as United States Senator?—A. They never did; no, sir.

Q. Did you ever give any money or other thing of value, directly or indirectly, to anybody, to induce any member of the legislature, or any member of the joint session, to vote for WILLIAM LORIMER for United States Senator?—A. I never did.

Judge HANEY. Did you ever give any money or other thing of value, directly or indirectly, to anybody, to induce any member of the legislature, any member of the joint session, to vote for WILLIAM LORIMER for United States Senator?—A. I never did.

Q. Did you ever give any money, or other thing of value, to anybody, any member of the joint session, or anybody else, because any member of the joint session had voted for WILLIAM LORIMER for United States Senator?—A. I never did.

Q. Did you ever make any promises on behalf of Senator LORIMER, or on behalf of yourself, or patronage or any other favors or considerations to induce any member of the joint session to vote for WILLIAM LORIMER for United States Senator?—A. I have no recollection of anything of that sort.

Q. Well, you would know it if there was anything of that kind?—A. I never made any promise of any kind to anybody or anything.

Q. Did you authorize anybody to make promises for you or for WILLIAM LORIMER that they would be paid or would receive any money or other thing of value if they did vote for WILLIAM LORIMER, or because they had voted for WILLIAM LORIMER for United States Senator?—A. I never did; no, sir.

The first joint ballot was cast January 20 (p. 708), the last May 26, 1909.

During all this time, as an opponent of Hopkins and a friend of LORIMER, as charged, is it possible that he would not know what was going on, and if any questionable methods were being employed would he not have known of them? Can you say we may disregard his testimony?

I do not feel at liberty to do so. And, Mr. President, I stop to say now that it seems to me we are to consider this case on the testimony as contained within the covers of this document, Report No. 942, and that we are not at liberty to go outside this record for our facts.

I can not believe the story as related by White; nor the tale of Holstlaw; nor the account as given by Beckemeyer; nor the statement of Link. Each one of these narratives, taken in connection with the circumstances of its shaping, the unscrupulous or worse than weak character of its author, carries within itself unmistakable marks and brands of falsity. In this conclusion I join company with the jurors, apparently, and a large number of the electors of Illinois, but if I stand alone I can not escape it, and having reached it I do not hesitate to declare it.

To illustrate, somewhat at the expense of repetition—who believes that Broderick made Holstlaw a voluntary gift of \$3,200? If you do not believe that, how can you escape serious doubt as to his other statements? The purpose for which the money was paid him was certainly most material. Who believes that Link received \$1,000 from Browne and \$900 from Wilson as contributions to his campaign expenses?

If you do not believe that statement, must you not have grave doubt as to whether he was paid those sums at all?

Similar questions arise as to Beckemeyer's testimony.

White is so thoroughly impeached it would be a waste of time to show that he has "sworn deceitfully" and his utter unreliability.

Holstlaw positively swears that Broderick paid him \$3,200 when he was under no obligations in the world to do it, and he

neither exacted nor expected it. That was a voluntary gift. If Broderick had LORIMER's money, under those circumstances he would have shoved it farther down in his pocket. If it was his own money, there was no reason why he should make a present of it to Holstlaw.

Who believes it, I ask? And that is the testimony of another of the witnesses relied on here, one of the chief witnesses—Link—that the money which he says was paid him, \$1,000 at one time and \$900 at another time, was turned over to him for campaign expenses. And if you can not believe these stories as they are related, what dependence can you put in the testimony of these witnesses who are produced here to sustain these charges?

ALSCHULER.

Another important, responsible, unimpeachable witness testifies to facts which refute the suggestion that all the friends of Browne were, through him, probably corrupted. The testimony squarely contradicts the inference that Mr. LORIMER or his friends were using money to promote his election. We are no more warranted in holding that all the 30 supporters of Browne were corrupted than we would be that all of the 53 Democrats who voted for Mr. LORIMER were bought. And we could only hold that on the assumption that no Democrat could find it in his conscience to vote for a Republican until that conscience was "seared as with a hot iron."

What business have you to assume that because Browne was the leader of the minority of 30, that all 30 of them were corrupt because they were Democrats and voted for a Republican? Why do you not condemn the whole 53 who voted for LORIMER?

Mr. George W. Alschuler (p. 470), in the real-estate business at Aurora for 25 years, a brother of the Democratic candidate for governor in 1900, was a supporter of Browne, voted for Mr. LORIMER, and says that George W. Meyers never went to Browne during the balloting, as Meyers said (p. 471). He says, further, he talked with Democrats about voting for LORIMER, when he saw the Democrats had no opportunity to win, and that all along he had been doing all he could to defeat Hopkins. Surely it was not remarkable that Hopkins had Democratic opposition. Mr. Alschuler says for several days before the election of Mr. LORIMER—

I endeavored to get as many of my Democratic friends as I could to vote for Mr. LORIMER; yes, sir; I did that.

There is no pretense that Alschuler was bribed or paid any money except this broad, sweeping charge that all the men on the Democratic side who voted for LORIMER were bought, at least all of the 30 Browne followers. He was asked the question:

Q. Did you succeed, or not?—A. Yes, sir; I think I did.

Asked when Mr. LORIMER became a candidate, he said:

I would say an avowed candidate about three days before the vote (p. 473).

Q. Was there any money down at Springfield for the election of United States Senator?—A. Not that I know of.

Q. Do you say there was?—A. I will say there was not.

Q. And you don't believe there was?—A. I don't believe there was; no.

Mr. De Wolf, a Browne Democrat, called by the complainants, says he voted for Mr. LORIMER and there was no attempt to bribe him; that Mr. LORIMER told him about three days before the election he was thinking of running, and inquired if he would vote for a Republican. He felt the deadlock ought to end; said he could and that he would vote for Mr. LORIMER if he became a candidate.

An entirely reasonable state of mind for any member of that joint assembly to be in. He said he could and he would vote for Mr. LORIMER if he became a candidate. That was the whole of his offense.

Broderick was indicted in Sangamon County and charged with bribing Holstlaw. His trial is pending (p. 556).

There is no evidence that he received any money, except only the testimony of Holstlaw that he did the absurd thing of paying him \$2,500 and \$700 when he had assured him he would vote for LORIMER, and did vote for LORIMER without exacting or expecting any reward.

Holstlaw was indicted in Sangamon County, charged with perjury in connection with a furniture deal. This had no connection with the election of Senator (pp. 565-567).

It had reference to contract for some furniture for the statehouse, desks and chairs.

The indictment was quashed (p. 221) after he signed the paper setting forth in effect what he now testifies to.

Broderick denied the conversation alleged with him and the payment of any money whatever. There was no occasion to pay him any money for his vote.

Link was indicted in Cook County, charged with perjury.

The indictment was dismissed when he testified he received money from Browne and Wilson.

Beckemeyer was in charge of an officer, threatened with indictment for two months, and until he said he received the same amount of money at the same time as White and Link alleged, from Browne and Wilson, and then he was given his freedom. Shephard and Clark could not be coerced. There was no lack of effort to have them join Link and Beckemeyer and White.

Browne, Wilson, Shephard, and Clark flatly contradict the stories of this graceless trio—White, Beckemeyer, and Link.

The conversation between Beckemeyer and Link in the witness room, when both were in charge of detectives, wherein Beckemeyer stated their stories must agree with respect to receiving money from Browne and Wilson, taken in connection with the extraordinary inquisitorial methods, threats, and force exercised by the State's attorney, strongly suggests a conspiracy finally hit upon to substantiate White's story and destroy Mr. LORIMER. Remember that Beckemeyer is on hand in the witness room when Shephard is brought in and undertakes to suggest to Shephard the story about Browne and Wilson. Shephard indignantly denied any knowledge of the payment of money. Was Beckemeyer being used by the State's attorney to get a confession from Shephard?

A strange thing that this man Beckemeyer, accompanied by an officer for two months and a part of the time taken out of the State and into Indiana, should be on hand in the witness room, right in front of the grand jury, with detectives and officers and assistant prosecuting attorneys; and as they sent out constables and what not to bring in Shephard and Link, Beckemeyer is there to suggest to them that their stories must agree and that they got money from Browne and Wilson at St. Louis.

Add the testimony of Speaker Shurtleff and that of Mr. Alschuler to that of Browne, Shephard, Clark, and Wilson, and Broderick, it seems to me to outweigh that of White, Holstlaw, Beckemeyer, and Link, two of whom were indicted for perjury and got the indictments dismissed by telling what was wanted of them, one of whom was threatened with indictment, was in custody for two months, and procured his liberty by joining in the same or similar story, and the other shaped up the whole narrative and obtained \$3,500 for it, and all of whom, out of their own mouths, brand themselves as "boodlers," "grafters," and purveyors of falsehood, and do not halt at false swearing.

If we admit a lamentable condition obtained, I can not feel justified, on such testimony, in holding that deplorable state of things extended to and involved the senatorial election and that corrupt practices were indulged in in respect to that election.

If it be argued that when it was shown that Holstlaw had money, that White had money, and Luke had money, that it was somebody's money and the burden shifted to Mr. LORIMER to show by his testimony or otherwise that it was not his money, I submit that the testimony of Messrs. Alschuler, Shurtleff, De Wolf, Clark, and Shephard—all clean, all friends of Browne, all voting for Mr. LORIMER, saying nothing of the testimony of Browne, Broderick, and Wilson—would fully meet that burden.

Even Link, Beckemeyer, and Holstlaw swear they had determined to vote for Mr. LORIMER before any money was promised or paid them, and Link swears it was not "Lorimer money" that was paid him.

The investigation has not been in vain. It has called public attention to the great need of a general awakening which will make for an elevation of the tone and standards of official conduct. It may cause the individual citizen to take more interest in his Government and hold to stricter account those who are selected as representatives.

But we need not be taken off our feet by exciting predictions of dangers to the Republic. The State of Illinois will go forward in line with her glorious past, no matter what decision is reached in this case. The Senate is anchored here and in no peril. The Government founded by our fathers for the protection of life and property and for the pursuit of happiness will continue on its even way, undisturbed by what is done in this matter.

White, Beckemeyer, Holstlaw, and Link are not dangerous people. They are simply weak, with no moral or physical courage and no scruples. Illinois will take care of them and of her local conditions.

In this instance the legislature, according to law, elected the Senator; the proceedings were regular, and the record was duly made up. By the governor, under the great seal of the State, such election was certified to this body. Twenty-two days elapsed. No suggestion of wrongdoing was made; no intimation that anything had occurred which ought to be considered in connection with such election; no protest or complaint was filed here. The credentials furnished by the State were then presented to this body, accepted, and the Senator qualified.

Twelve months, lacking 12 days, passed by before the charge was made here that corrupt practices were indulged in when that election took place. Promptly this inquiry was ordered. It is proper to exercise the power necessary to preserve the integrity of the Senate. At the same time United States Senators are not elected here. This is not a self-electing body. The action of a sovereign State in respect to the election of a Senator is not to be set aside, nullified, declared void without deliberate, careful consideration and the establishment of sound and substantial grounds and reasons. Some excuse can always be found for the assumption of power. Generally some precedent can be uncovered for every usurpation. Care must be taken that a partisan majority in this body shall not find it in its power, right or wrong, and also be able to show the authority of precedent, to maintain that majority. It is very easy to charge that money was used in an election. It may be very easy to make use of such a charge to accomplish ulterior ends. Clear, unimpeachable evidence should be exacted to overcome the deference and respect due the returns from the State.

We have no right, just on general principles, because a charge of corruption has been made in connection with an election for Senator and attempted to be sustained in the way and by the character of witnesses here produced, raising in the minds of the public a suspicion, even an opinion, rising to clamor, to do an injustice or work, by our votes, a wrong.

In saying this and in arriving at the conclusions I do in this case I wish it understood that I fully realize the danger attendant on that situation, and I would bar with all my might the coming of the time, when money is made the controlling power, when money is the ruling desire, when money is the universal passion, and the prizes of the State are for sale. I realize that between the poorest wretch who sold his vote in the comitia to the Senator who bought it there was but small choice, and the result of that demoralization was that Sylla was soon lighting his watch fires in the forum! I am not unmindful of the teachings of history, that when the 300 senators of Rome established their oligarchy by bribes, and the spirit of the people was crushed, barbarian kings had no trouble in bribing the senate, and then the days of Roman dominion were numbered, a wild scramble for plunder set in, followed by the ruin of the country. No one will go further, in reason, to make impossible the day when such history might repeat itself. This case does not properly awaken any such apprehension.

Mr. CULLOM. Mr. President, I had expected to say something this evening, but as it is late, I will ask the Senate to give me its attention for a few minutes to-morrow.

OMNIBUS CLAIMS BILL.

The PRESIDING OFFICER laid before the Senate the request of the House of Representatives for a duplicate engrossed copy of the bill (S. 7971) for the allowance of certain claims reported by the Court of Claims, and for other purposes, the original having been lost; and there being no objection, the request was ordered to be complied with.

WATER RIGHTS.

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 6842) to authorize the Secretary of the Interior to withdraw public notices issued under section 4 of the reclamation act, and for other purposes, which were, in line 4, after "notice," to insert "heretofore;" in line 7, after "applications," to insert "heretofore;" and in line 8, to strike out "such withdrawal" and insert "the passage of this act."

Mr. CURTIS. I move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

INSPECTION OF LOCOMOTIVE BOILERS.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 6702) to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their locomotives with safe and suitable boilers and appurtenances thereto, which was, on page 10, after line 11, to insert:

SEC. 10. That the total amounts directly appropriated to carry out the provisions of this act shall not exceed for any one fiscal year the sum of \$300,000.

Mr. BURKETT. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

REGENTS OF SMITHSONIAN INSTITUTION.

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the joint resolution (S. J. Res. 133) providing for the filling of a vacancy,

to occur on January 23, 1911, in the Board of Regents of the Smithsonian Institution of the class other than Members of Congress, which were, in line 3, to strike out "will occur" and insert "occurred;" and to amend the title so as to read: "Joint resolution providing for the filling of a vacancy which occurred on January 23, 1911, in the Board of Regents of the Smithsonian Institution of the class other than Members of Congress."

Mr. LODGE. I move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

HOMESTEAD ENTRIES.

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 8916) extending the time for certain homesteaders to establish residence upon their lands; which were, on page 2, line 3, to strike out all after "further," down to and including "land" in line 8, and insert: "That this act shall not affect an adverse claim initiated prior to the passage of the act and after the expiration of the time allowed an entryman for establishing residence on the land;" and on page 2, line 14, to strike out "residence" and insert "absence."

Mr. GAMBLE. I move the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

ADMINISTRATION OF OATHS.

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 4239) to amend section 183 of the Revised Statutes; which were, on page 1, line 10, after "Navy," to strike out "or"; on page 1, line 10, after "Corps" to insert "or Revenue-Cutter Service;" on page 1, line 12, after "military" to strike out "or;" and on page 1, line 12, after "Naval" to insert "or Revenue-Cutter Service."

Mr. FLINT. I understand my colleague desires that the amendments shall be concurred in. I therefore move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles and referred to the Committee on Public Lands:

H. R. 23361. An act authorizing the Hot Springs Lodge, No. 62, Ancient Free and Accepted Masons, under the jurisdiction of the Grand Lodge of Arkansas, to occupy and construct buildings for the use of the organization on lots Nos. 1 and 2, in block No. 114, in the city of Hot Springs, Ark.;

H. R. 23827. An act extending the provisions of section 4 of the act of August 18, 1894, and acts amendatory thereto, to the Fort Bridger abandoned military reservation in Wyoming; and

H. R. 32222. An act authorizing homestead entries on certain lands formerly a part of the Red Lake Indian Reservation, in the State of Minnesota.

The following bills were severally read twice by their titles and referred to the Committee on the Judiciary:

H. R. 26656. An act to prevent the disclosure of national-defense secrets;

H. R. 28215. An act to fix the time of holding the circuit and district courts for the northern district of West Virginia;

H. R. 31063. An act permitting chief office deputy United States marshals to act as disbursing officers for their principals in cases of emergency;

H. R. 31165. An act to regulate procedure in United States courts in certain cases;

H. R. 31534. An act to amend section 1 of the act of May 30, 1908, entitled "An act granting to certain employees of the United States the right to receive from it compensation for injuries sustained in the course of their employment;" and

H. R. 31657. An act to authorize United States marshals and their respective chief office deputies to administer certain oaths.

The following bills were severally read twice by their titles and referred to the Committee on Finance:

H. R. 27837. An act to amend the provisions of the act of March 3, 1885, limiting the compensation of storekeepers, gaugers, and storekeeper-gaugers in certain cases to \$2 a day, and for other purposes;

H. R. 29857. An act to amend section 3287 of the Revised Statutes of the United States as amended by section 6 of chapter 108 of an act approved May 28, 1880, page 145, volume 21, United States Statutes at Large; and

H. R. 30281. An act to provide for the entry under bond of exhibitors of arts, sciences, and industries.

The following bills and joint resolution were severally read twice by their titles and referred to the Committee on Military Affairs:

H. R. 26685. An act to authorize El. J. Bomer and S. B. Wilson to construct and operate an electric railway over the national cemetery road at Vicksburg, Miss.;

H. R. 30149. An act to transfer the military reservation known as Fort Trumbull, situated at New London, Conn., from the War Department to the Treasury Department, for the use of the Revenue-Cutter Service; and

H. J. Res. 143. Joint resolution in reference to the employment of enlisted men in competition with local civilians.

The following bills were severally read twice by their titles and referred to the Committee on Commerce:

H. R. 29715. An act to extend the time for commencing and completing bridges and approaches thereto across the Waccamaw River, S. C.;

H. R. 30793. An act to authorize the Fargo & Moorhead Street Railway Co. to construct a bridge across the Red River of the North;

H. R. 30890. An act to authorize the Chicago Great Western Railroad Co., a corporation, to construct a bridge across the Mississippi River at St. Paul, Minn.;

H. R. 30899. An act to authorize the Great Western Land Co., of Missouri, to construct a bridge across Black River;

H. R. 31066. An act to authorize the Secretary of Commerce and Labor to purchase certain lands for lighthouse purposes;

H. R. 31106. An act to authorize the Secretary of Commerce and Labor to exchange a certain right of way;

H. R. 31171. An act to amend an act entitled "An act to authorize the construction of a bridge across the Monongahela River, in the State of Pennsylvania, by the Liberty Bridge Co.," approved March 2, 1907;

H. R. 31239. An act to authorize Park C. Abell, George B. Lloyd, and Andrew B. Sullivan, of Indianhead, Charles County, Md., to construct a bridge across the Mattawoman Creek, near the village of Indianhead, Md.;

H. R. 31661. An act to authorize the Secretary of Commerce and Labor to transfer the lighthouse tender *Wistaria* to the Secretary of the Treasury;

H. R. 31859. An act to authorize the Chucawalla Development Co. to build a dam across the Colorado River at or near the mouth of Pyramid Canyon, Ariz.; also a division intake dam at or near Black Point, Ariz., and Blythe, Cal.;

H. R. 31922. An act to authorize the Virginia Iron, Coal & Coke Co. to build a dam across the New River, near Foster Falls, Wythe County, Va.;

H. R. 31925. An act authorizing the building of a dam across the Savannah River at Cherokee Shoals;

H. R. 31926. An act permitting the building of a dam across Rock River, near Byron, Ill.;

H. R. 31927. An act authorizing the town of Blackberry to construct a bridge across the Mississippi River in Itasca County, Minn.; and

H. R. 31931. An act authorizing the Ivanhoe Furnace Corporation, of Ivanhoe, Wythe County, Va., to erect a dam across New River.

H. J. Res. 248. Joint resolution amending section 32 of the act of Congress approved July 2, 1909, providing for the Thirteenth and subsequent decennial censuses, was read twice by its title and referred to the Committee on the Census.

H. R. 28214. An act providing for the levy of taxes by the taxing officers of the Territory of Arizona, and for other purposes, was read twice by its title and referred to the Committee on Territories.

H. R. 32004. An act providing for the quadrennial election of members of the Philippine Assembly and Resident Commissioners to the United States, and for other purposes, was read twice by its title and referred to the Committee on the Philippines.

H. R. 30889. An act to amend the irrigation law was read twice by its title and referred to the Committee on Irrigation and Reclamation of Arid Lands.

MINING LAWS FOR ALASKA.

H. R. 31068. An act to modify and amend the mining laws in their application to the Territory of Alaska, and for other purposes, was read twice by its title.

Mr. SCOTT. Let the bill be referred to the Committee on Mines and Mining.

The PRESIDING OFFICER. The Chair thinks that its subject is rather under the Committee on Territories or the Committee on Public Lands.

Mr. SMOOT. I think all those bills go to the Committee on Public Lands.

Mr. SCOTT. The chairman of the Committee on Mines and Mining is not present, but I am sure if he were here he would insist on its going to that committee. It certainly belongs there.

Mr. SMOOT. The question is as to whether it affects the coal-land laws or the mining laws. If it applies to the mining

laws, of course it should go to the Committee on Mines and Mining; but if to the coal-land laws, it should go to the Committee on Public Lands.

Mr. NELSON. If it relates to the title of public lands it should go to the Committee on Public Lands.

Mr. HEYBURN. Still we have extended the mining laws to Alaska.

Mr. SCOTT. I understand that it is a bill to amend the mining laws of the country so that it will apply to the Territory of Alaska. If it does that, of course it should go to the Committee on Mines and Mining.

The PRESIDING OFFICER. The bill will be referred to the Committee on Mines and Mining, if there is no objection.

BUCKHANNON & NORTHERN RAILROAD CO.

Mr. SCOTT. Mr. President—

Mr. CULLOM. I rose to make a motion to adjourn, but I will allow the matter the Senator from West Virginia wishes to call up to be disposed of.

Mr. SCOTT. I should like to call up, by unanimous consent, the bill (S. 10404) to authorize the Secretary of War to grant a right of way through lands of the United States to the Buckhannon & Northern Railroad Co. It is a bill of only three or four lines, granting a right through a military reservation for the building of a railroad. It is the only bill that my late colleague, the junior Senator from West Virginia Mr. Elkins, introduced, and it would be a compliment to him to put it on its passage.

The PRESIDING OFFICER. The bill will be read, subject to objection.

The Secretary read the bill, and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill had been reported from the Committee on Commerce with amendments, which were, in line 4, after the word "grant," to insert "the Buckhannon & Northern Railroad Co.," and in line 7, after the word "locks," to strike out the remainder of the bill, in the following words:

And to permit such encroachments on said bank of said river as may be necessary along the line of the railway proposed to be constructed by said railroad company, as may be permitted without detriment to navigation—

And in lieu thereof to insert:

Nos. 10, 11, 12, 13, and 14, at such price, and on such terms and conditions, as he may consider just, equitable, and expedient.

Sec. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

So as to make the bill read:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized, in his discretion, to grant the Buckhannon & Northern Railroad Co. a right of way through lands of the United States, on the western bank of the Monongahela River, in the State of West Virginia, adjacent to Locks Nos. 10, 11, 12, 13, and 14, at such price, and on such terms and conditions, as he may consider just, equitable, and expedient.

Sec. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CHEROKEE INDIAN ALLOTMENTS.

Mr. OWEN. I present a memorial of the Keetoowah Society of Cherokee Indians, and I ask that it be printed as a document. It is very short.

Mr. SMOOT. I should like to know something about what the memorial is.

Mr. OWEN. The memorial relates to the lands of the Cherokee Indians which have been allotted to the children born since July 1, 1902, and up to March 3, 1906. It is in relation to the right of the United States to distribute that property contrary to the agreement of July 1, 1902, and it is a notice and a warning to the United States that if the property is so distributed, the United States will be subject to a demand of \$10,000,000.

Mr. SMOOT. Is it a memorial from the State legislature or from individuals?

Mr. OWEN. It is from the Keetoowah Society, an organization—

Mr. SMOOT. I am not going to object to the printing as a document, but I do believe that in the future such requests for printing should go to the Committee on Printing. I will state now, not because of this particular document, but so that all Senators will understand, that it is very much better for the Committee on Printing to act upon such questions, and the committee are always willing to act just as quickly as they can get together.

Mr. SCOTT. I object to the request. Let it go to the Committee on Printing.

The PRESIDING OFFICER. Objection is made, and the motion to print will be referred with the memorial to the Committee on Printing.

Mr. CULLOM. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 10 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, February 8, 1911, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

TUESDAY, February 7, 1911.

The House met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. Henry N. Couden, D. D.

The Journal of the proceedings of yesterday was read and approved.

CALENDAR FOR UNANIMOUS CONSENT.

The SPEAKER. The Clerk will proceed with the Calendar for Unanimous Consent, in order to-day under the rules.

VALIDATION OF HOMESTEAD ENTRIES.

The first business was the bill (H. R. 26290) providing for the validation of certain homestead entries.

The Clerk read the bill, as follows:

Be it enacted, etc., That all homestead entries which have been canceled or relinquished, or are invalid solely because of the erroneous allowance of such entries after the withdrawal of lands for national forest purposes, may be reinstated or allowed to remain intact, but in the case of entries heretofore canceled applications for reinstatement must be filed in the proper local land office prior to July 1, 1911.

Sec. 2. That in all cases where contests were initiated under the provisions of the act of May 14, 1880, prior to the withdrawal of the land for national forest purposes, the qualified successful contestants may exercise their preference right to enter the land within six months after the passage of this act.

With the following amendment:

Line 10, page 1, strike out the word "eleven" and insert the word "twelve."

The SPEAKER. Is there objection?

There was no objection.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

DAM ACROSS ROCK RIVER AT LYNDON, ILL.

The next business was the bill (H. R. 30571) permitting the building of a dam across Rock River at Lyndon, Ill.

The Clerk read the bill, as follows:

Be it enacted, etc., That Edward A. Smith, Harvey S. Green, and John J. Hurlbert, of Morrison, Ill., their heirs, administrators, executors, successors, and assigns, are hereby authorized to construct and maintain a dam across Rock River at or near Lyndon, Whiteside County, Ill., the south end of said dam to be located near the line between sections 21 and 22 in township 20 north, range 5 east, fourth principal meridian, and the north end of said dam to intersect the bank of said river in section 21 in the same township, range, and meridian, and all works incident thereto in the utilization of the power thereby developed, in accordance with the provisions of an act entitled "An act to regulate the construction of dams across navigable waters," approved June 21, 1906.

Sec. 2. That the right to amend or repeal this act is hereby expressly reserved.

With the following committee amendments:

Amend on page 1, in line 6, by striking out the word "and" and inserting a comma after the word "construct" and the word "maintain," and by inserting before the word "a" the words "and operate;" and amend further by inserting after the word "at" the words "a point suitable to the interests of navigation at."

Amend on page 1 by striking out in line 14 the words "An act entitled 'An act,'" and on page 2 strike out lines 1 and 2 and insert in lieu thereof the following: "the act approved June 23, 1910, entitled 'An act to amend an act entitled 'An act to regulate the construction of dams across navigable waters,' approved June 21, 1906.'"

Amend on page 2, in line 3, by inserting after the word "to" the word "alter."

The SPEAKER. Is there objection?

There was no objection.

The amendments were agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

BRIDGE ACROSS MOBILE RIVER AT MOBILE, ALA.

The next business was the bill (H. R. 31538) to authorize the Pensacola, Mobile & New Orleans Railway Co., a corporation existing under the laws of the State of Alabama, to construct a bridge over and across the Mobile River and its navigable channels on a line opposite the city of Mobile, Ala.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Pensacola, Mobile & New Orleans Railway Co., a corporation existing under the laws of the State of Alabama, be, and is hereby, authorized to construct, operate, and maintain

a bridge and its approaches thereto across the Mobile River and its navigable channels in the counties of Mobile and Baldwin, in the State of Alabama, on a line opposite the city of Mobile, to be approved by the Secretary of War, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

Sec. 2. That the right to alter, amend, and repeal this act is hereby expressly reserved.

With the following committee amendments:

In line 5, page 1, amend by striking out the words "be, and is" and insert in lieu thereof the words "its successors and assigns, are."

In line 7, page 1, amend by inserting after the word "channels" the words "at a point suitable to the interests of navigation."

In line 3, page 2, amend by striking out the word "and" and inserting in lieu thereof the word "or."

Amend further, by adding as section 3 the following:

"Sec. 3. That the act of Congress approved March 26, 1908, entitled 'An act to authorize the Pensacola, Mobile & New Orleans Railway Co., a corporation existing under the laws of the State of Alabama, to construct a bridge over and across the Mobile River and its navigable channels on a line approximately east of the north boundary line of the city of Mobile, Ala.,' is hereby repealed."

The SPEAKER. Is there objection?

There was no objection.

The amendments were agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

BRIDGES ACROSS TENNESSEE RIVER AT CHATTANOOGA, TENN.

The next business was the bill (H. R. 31648) to authorize the county of Hamilton, in the State of Tennessee, to construct a bridge across the Tennessee River at Chattanooga, Tenn.

The Clerk read the bill, as follows:

Be it enacted, etc., That the county of Hamilton, in the State of Tennessee, be, and is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto, across the Tennessee River, between a point 400 feet north of West Sixth Street on the north, and Nineteenth Street (formerly Henry Street) on the south, in the city of Chattanooga, Tenn., to the opposite bank of said Tennessee River, in said county of Hamilton, in the State of Tennessee, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

Sec. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendment:

Amend in line 6, page 1, by inserting after the word "River" the words "at a point suitable to the interests of navigation."

The amendment was agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The next business was the bill (H. R. 31649) to authorize the county of Hamilton, in the State of Tennessee, to construct a bridge across the Tennessee River at Chattanooga, Tenn.

The Clerk read the bill, as follows:

Be it enacted, etc., That the county of Hamilton, in the State of Tennessee, be, and is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Tennessee River, at some point on said Tennessee River above the present bridge from Walnut Street, in the city of Chattanooga, to Hill City, in the State of Tennessee, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

Sec. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendment:

Line 6, page 1, after "River," insert "suitable to the interests of navigation."

Mr. MOON of Tennessee. Mr. Speaker, I also offer the following additional amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Line 7, after the word "above," insert the words "or below."

The SPEAKER. Is there objection?

There was no objection.

The amendments were agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

BRIDGE ACROSS MONONGAHELA RIVER, PA.

The next business was the bill (H. R. 31656) to amend an act amendatory of the act approved April 23, 1906, entitled "An act to authorize the Fayette Bridge Co. to construct a bridge over the Monongahela River, Pa., from a point in the borough of Brownsville, Fayette County, to a point in the borough of West Brownsville, Washington County."

The Clerk read the bill, as follows:

Be it enacted, etc., That the time for commencing and completing the bridge authorized by the act entitled "An act to authorize the Fayette Bridge Co. to construct a bridge over the Monongahela River, Pa., from a point in the borough of Brownsville, Fayette County, to a point in the borough of West Brownsville, Washington County," approved April 23, 1906, is hereby extended one and three years, respectively, from the 25th day of June, 1911.

Sec. 2. That the bridge authorized to be constructed by said act shall be constructed in accordance with the provisions of the act entitled

"An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

Sec. 3. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended to read: "A bill extending the time for commencing and completing the bridge authorized by an act approved April 23, 1906, entitled 'An act to authorize the Fayette Bridge Co. to construct a bridge over the Monongahela River, Pa., from a point in the borough of Brownsville, Fayette County, to a point in the borough of West Brownsville, Washington County.'"

BRIDGE ACROSS ST. CROIX RIVER, WIS. AND MINN.

The next business was the bill (H. R. 31860) permitting the building of a wagon and trolley-car bridge across the St. Croix River between the States of Wisconsin and Minnesota.

The Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to H. L. North, W. E. Webster, and H. J. Anderson, of Hudson, Wis., and their heirs, personal representatives, and assigns, to build a wagon and trolley-car bridge across the St. Croix River, also known and designated as Lake St. Croix, from a point on the east bank of said river between the north line of section 25 of township 29 north, range 20 west, and the east and west quarter line of said section, in St. Croix County, Wis., to a point on the west bank of said river almost due west from the place of beginning, in Washington County, Minn., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

Sec. 2. That this act shall be null and void unless said bridge herein authorized be commenced within one year and completed within two years from and after the date of approval of this act.

Sec. 3. That the right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendments:

Amend in line 8, page 1, by inserting after the word "point" the words "suitable to the interests of navigation."

Amend on page 2 by striking out all of section 2.

Amend on page 2, in line 9, by striking out the figure "3" and inserting in lieu thereof the figure "2."

The SPEAKER. Is there objection?

There was no objection.

The amendments were agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bills and joint resolution of the following titles, in which the concurrence of the House of Representatives was requested:

S. 10456. An act to restrain the Secretary of the Treasury from receiving bonds issued to provide money for the building of the Panama Canal as security for the issue of circulating notes to national banks, and for other purposes;

S. 9716. An act to authorize the acceptance by the United States of the gift of the Nathan Straus Pasteurized Milk Laboratory; and

S. J. Res. 140. Joint resolution authorizing the Secretary of War to loan certain tents for the use of the Confederate Veterans' Reunion, to be held at Little Rock, Ark., in May, 1911.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 3897) for the relief of the heirs of Charles F. Atwood and Ziba H. Nickerson.

The message also announced that the Senate had disagreed to the amendments of the House of Representatives to the bill (S. 2045) for the relief of John B. Lord, owner of lot 86, square 723, Washington, D. C., with regard to assessment and payment of damages on account of changes of grade due to the construction of the Union Station, District of Columbia, had asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. GALLINGER, Mr. DILLINGHAM, and Mr. MARTIN as the conferees on the part of the Senate.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bill and joint resolution of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 9716. An act to authorize the acceptance by the United States of the gift of the Nathan Straus Pasteurized Milk Laboratory; to the Committee on the District of Columbia.

S. J. Res. 140. Joint resolution authorizing the Secretary of War to loan certain tents for the use of the Confederate Veterans' Reunion to be held at Little Rock, Ark., in May, 1911; to the Committee on Military Affairs.

MEMORIAL COMMEMORATING THE DISCOVERY OF LAKE CHAMPLAIN.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 31600) to authorize the erection upon the Crown Point Lighthouse Reservation, N. Y., of a memorial to commemorate the discovery of Lake Champlain.

The Clerk read as follows:

Be it enacted, etc., That the commissions which were appointed by the States of Vermont and New York to have charge of the recent celebration commemorating the three hundredth anniversary of the discovery of Lake Champlain by Samuel de Champlain, and which have been authorized by said States to build a suitable memorial commemorating said discovery, are hereby granted permission to erect such memorial upon the Crown Point Lighthouse Reservation, N. Y.: *Provided*, That before any actual work of construction shall be begun upon the structure the plans and specifications therefor, both preliminary and detailed, shall be submitted to the Secretary of Commerce and Labor for his approval, and after they have been approved by him they shall not be deviated from without his prior approval.

SEC. 2. That upon the completion of the structure in accordance with the provisions of this act the Secretary of Commerce and Labor is hereby authorized and directed to accept the same, free of expense, for and in behalf of the United States.

SEC. 3. That upon the acceptance of the structure by the United States the same shall be maintained as an aid to navigation at the expense of the appropriations for maintenance of the Lighthouse Service.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

INSPECTION OF LOCOMOTIVE BOILERS.

The next business on the Calendar for Unanimous Consent was the bill (S. 6702) to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their locomotives with safe and suitable boilers and appurtenances thereto.

The Clerk read as follows:

Be it enacted, etc., That the provisions of this act shall apply to any common carrier or carriers, their officers, agents, and employees, engaged in the transportation of passengers or property by railroad in the District of Columbia, or in any Territory of the United States, or from one State or Territory of the United States or the District of Columbia to any other State or Territory of the United States or the District of Columbia, or from any place in the United States to an adjacent foreign country, or from any place in the United States through a foreign country to any other place in the United States. The term "railroad" as used in this act shall include all the roads in use by any common carrier operating a railroad, whether owned or operated under a contract, agreement, or lease, and the term "employees" as used in this act shall be held to mean persons actually engaged in or connected with the movement of any train.

SEC. 2. That from and after the 1st day of July, 1911, it shall be unlawful for any common carrier, its officers or agents, subject to this act to use any locomotive engine propelled by steam power in moving interstate or foreign traffic unless the boiler of said locomotive and appurtenances thereof are in proper condition and safe to operate in the service to which the same is put, that the same may be employed in the active service of such carrier in moving traffic without unnecessary peril to life or limb, and all boilers shall be inspected from time to time in accordance with the provisions of this act, and be able to withstand such test or tests as may be prescribed in the rules and regulations hereinafter provided for.

SEC. 3. That there shall be appointed by the President, by and with the advice and consent of the Senate, a chief inspector and two assistant chief inspectors of locomotive boilers, who shall have general superintendence of the inspectors hereinafter provided for, direct them in the duties hereby imposed upon them, and see that the requirements of this act and the rules, regulations, and instructions made or given hereunder are observed by common carriers subject hereto. The said chief inspector and his two assistants shall be selected with reference to their practical knowledge of the construction and repairing of boilers, and to their fitness and ability to systematize and carry into effect the provisions hereof relating to the inspection and maintenance of locomotive boilers. The chief inspector shall receive a salary of \$4,000 per year and the assistant chief inspectors shall each receive a salary of \$3,000 per year; and each of the three shall be paid his traveling expenses incurred in the performance of his duties. The office of the chief inspector shall be in Washington, D. C., and the Interstate Commerce Commission shall provide such stenographic and clerical help as the business of the offices of the chief inspector and his said assistants may require.

SEC. 4. That immediately after his appointment and qualification the chief inspector shall divide the territory comprising the several States, the Territories of New Mexico and Arizona, and the District of Columbia into 50 locomotive boiler-inspection districts, so arranged that the service of the inspector appointed for the district shall be most effective, and so that the work required of each inspector shall be substantially the same. Thereupon there shall be appointed by the Interstate Commerce Commission 50 inspectors of locomotive boilers. Said inspectors shall be in the classified service and shall be appointed after competitive examination according to the law and the rules of the Civil Service Commission governing the classified service. The chief inspector shall assign one inspector so appointed to each of the districts hereinafter named. Each inspector shall receive a salary of \$1,800 per year and his traveling expenses while engaged in the performance of his duty. He shall receive in addition thereto an annual allowance for office rent, stationery, and clerical assistance, to be fixed by the Interstate Commerce Commission, but not to exceed in the case of any district inspector \$600 per year. In order to obtain the most competent inspectors possible, it shall be the duty of the chief inspector to prepare a list of questions to be propounded to applicants with respect to construction, repair, operation, testing, and inspection of locomotive boilers and their practical experience in such work, which list being approved by the Interstate Commerce Commission, shall be used by the Civil Service Commission as a part of its examination. No person interested, either directly or indirectly, in any patented article

required to be used on any locomotive under supervision or who is in-temperate in his habits shall be eligible to hold the office of either chief inspector or assistant or district inspector.

SEC. 5. That each carrier subject to this act shall file its rules and instructions for the inspection of locomotive boilers with the chief inspector within three months after the approval of this act, and after hearing and approval by the Interstate Commerce Commission, such rules and instructions, with such modifications as the commission requires, shall become obligatory upon such carrier: *Provided, however*, That if any carrier subject to this act shall fail to file its rules and instructions the chief inspector shall prepare rules and instructions not inconsistent herewith for the inspection of locomotive boilers, to be observed by such carrier; which rules and instructions, being approved by the Interstate Commerce Commission, and a copy thereof being served upon the president, general manager, or general superintendent of such carrier, shall be obligatory, and a violation thereof punished as herein-after provided: *Provided also*, That such common carrier may from time to time change the rules and regulations herein provided for, but such change shall not take effect and the new rules and regulations be in force until the same shall have been filed with and approved by the Interstate Commerce Commission. The chief inspector shall also make all needful rules, regulations, and instructions not inconsistent herewith for the conduct of his office and for the government of the district inspectors: *Provided, however*, That all such rules and instructions shall be approved by the Interstate Commerce Commission before they take effect.

SEC. 6. That it shall be the duty of each inspector to become familiar, so far as practicable, with the condition of each locomotive boiler ordinarily housed or repaired in his district, and if any locomotive is ordinarily housed or repaired in two or more districts, then the chief inspector or an assistant shall make such division between inspectors as will avoid the necessity for duplication of work. Each inspector shall make such personal inspection of the locomotive boilers under his care from time to time as may be necessary to fully carry out the provisions of this act and as may be consistent with his other duties, but he shall not be required to make such inspections at stated times or at regular intervals. His first duty shall be to see that the carriers make inspections in accordance with the rules and regulations established or approved by the Interstate Commerce Commission, and that carriers repair the defects which such inspections disclose before the boiler or boilers or appurtenances pertaining thereto are again put in service. To this end each carrier subject to this act shall file with the inspector in charge, under the oath of the proper officer or employee, a duplicate of the report of each inspection required by such rules and regulations, and shall also file with such inspector, under the oath of the proper officer or employee, a report showing the repair of the defects disclosed by the inspection. The rules and regulations hereinafter provided for shall prescribe the time at which such reports shall be made. Whenever any district inspector shall, in the performance of his duty, find any locomotive boiler or apparatus pertaining thereto not conforming to the requirements of the law or the rules and regulations established and approved as hereinbefore stated, he shall notify the carrier in writing that the locomotive is not in serviceable condition, and thereafter such boiler shall not be used until in serviceable condition: *Provided* that a carrier, when notified by an inspector in writing that a locomotive boiler is not in serviceable condition because of defects set out and described in said notice, may within five days after receiving said notice, appeal to the chief inspector by telegraph or by letter to have said boiler re-examined, and upon receipt of the appeal from the inspector's decision, the chief inspector shall assign one of the assistant chief inspectors or any district inspector other than the one from whose decision the appeal is taken to reexamine and inspect said boiler within 15 days from date of notice. If upon such reexamination the boiler is found in serviceable condition the chief inspector shall immediately notify the carrier in writing, whereupon such boiler may be put into service without further delay; but if the reexamination of said boiler sustains the decision of the district inspector, the chief inspector shall at once notify the carrier owning or operating such locomotive that the appeal from the decision of the inspector is dismissed, and upon the receipt of such notice the carrier may, within 30 days, appeal to the Interstate Commerce Commission, and upon such appeal, and after hearing, said commission shall have power to revise, modify, or set aside such action of the chief inspector and declare that said locomotive is in serviceable condition and authorize the same to be operated: *Provided further*, That pending either appeal the requirements of the inspector shall be effective.

SEC. 7. That the chief inspector shall make an annual report to the Interstate Commerce Commission of the work done during the year, and shall make such recommendations for the betterment of the service as he may desire.

SEC. 8. That in the case of accident resulting from failure from any cause of a locomotive boiler or its appurtenances, resulting in serious injury or death to one or more persons, a statement forthwith must be made in writing of the fact of such accident, by the carrier owning or operating said locomotive, to the chief inspector. Whereupon the facts concerning such accident shall be investigated by the chief inspector or one of his assistants, or such inspector as the chief inspector may designate for that purpose. And where the locomotive is disabled to the extent that it can not be run by its own steam, the part or parts affected by the said accident shall be preserved by said carrier intact, so far as possible, without hindrance or interference to traffic until after said inspection. The chief inspector or an assistant or the designated inspector making the investigation shall examine or cause to be examined thoroughly the boiler or part affected, making full and detailed report of the cause of the accident to the chief inspector.

The Interstate Commerce Commission may at any time call upon the chief inspector for a report of any accident embraced in this section, and upon the receipt of said report, if it deems it to the public interest, make reports of such investigations, stating the cause of accident, together with such recommendations as it deems proper. Such reports shall be made public in such manner as the commission deems proper. Neither said report nor any report of said investigation nor any part thereof shall be admitted as evidence or used for any purpose in any suit or action for damages growing out of any matter mentioned in said report or investigation.

SEC. 9. That any common carrier violating this act or any rule or regulation made under its provisions or any lawful order of any inspector shall be liable to a penalty of \$100 for each and every such violation, to be recovered in a suit or suits to be brought by the United States attorney in the district court of the United States having jurisdiction in the locality where such violation shall have been committed; and it shall be the duty of such attorneys, subject to the direction of the Attorney General, to bring such suits upon duly verified information being lodged with them, respectively, of such violations having occurred; and it shall be the duty of the chief inspector of locomotive

boilers to give information to the proper United States attorney of all violations of this act coming to his knowledge.

The committee amendment was read, as follows:

Insert as a new section the following:

"Sec. 10. The total amounts directly appropriated to carry out the provisions of this act shall not exceed for any one fiscal year the sum of \$300,000."

Mr. FITZGERALD. Mr. Speaker, reserving the right to object, will some one explain the details of this bill?

Mr. MANN. Mr. Speaker, this bill is the result of a large amount of labor both on the part of the railroad officials, the officials and representatives of railway employees' organizations, and of the committees both in the House and in the Senate. Those committees have had before them a number of bills in reference to boiler inspection on the railroads. The original provision was that the Government itself should make the inspection. A number of different bills have been introduced at different times, and the committees of the Senate and the House have had hearings on those bills. Last summer the railways had a special committee appointed for that purpose to consider safety-appliances legislation, including the boiler-inspection bill. The railway employees' organizations had under consideration the boiler-inspection bill. I said to Mr. Melcher, the chairman of the railroad special committee, last summer, that, in my judgment—

Mr. BARTLETT of Georgia. He represented the railroads?

Mr. MANN. The railroads.

Mr. BARTLETT of Georgia. The companies.

Mr. MANN. Yes; that it was quite certain, in my judgment, that Congress was disposed to pass a bill governing the inspection of boilers, and that I thought it would be a desirable thing, it being a matter of expert knowledge, if the railroads and the railway employees, who were especially interested in the subject, would be able to get together and agree upon the terms of a bill, reserving, of course, to Congress the authority to make any changes it might please, to determine what it would pass, and especially the subject of the form and method of administration and the expense. The committee from the railroad organization, with the chiefs or heads of the various railway employees' organizations, did get together and agreed last summer tentatively upon the general provisions of a bill. Subsequently they had a meeting in Washington and made some changes in the form of the bill, and then afterwards they had another meeting and agreed to some other changes. And the changes they finally agreed upon have been incorporated in the Senate bill, which is now before the House. I have printed in the report upon this bill a letter from Mr. Wills, who is the national legislative representative of the various railway organizations, four large organizations of railway employees, and also a letter from Mr. Melcher, the chairman of the special committee of the railroads; also a letter from Mr. Holder, who is on the legislative committee of the American Federation of Labor; also a letter from ex-Senator Faulkner, who has represented the roads in matters of that sort, and they all ask that this bill shall pass in the form that it is now presented to the House, without amendment.

Mr. FITZGERALD. Is it believed the result of this legislation will be the lessening of railroad accidents?

Mr. MANN. It is the belief of all people concerned, both the railroads and the employees, that the passage of this bill will materially result in the lessening of boiler explosions. In fact, since these bills were introduced at the beginning of this term of Congress, there has already been a lessening of boiler explosions, because of the increased precautions taken by the railroads in reference to the inspection of boilers, simply because the matter was pending in Congress.

Mr. STEPHENS of Texas. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. STEPHENS of Texas. Has the Brotherhood of Railroad Engineers agreed to this?

Mr. MANN. They have. The Brotherhood of Railway Trainmen, the Order of Locomotive Engineers and Locomotive Firemen, the Order of Railway Conductors, and I think that one other organization, the switchmen's organization, have all agreed to this.

Mr. STEPHENS of Texas. I would like to state that I have received several letters from my district from railroad employees favoring the passage of this bill. I have not received any letters or statements from the railroads in reference to the matter, but from the employees, and they all favor it.

Mr. MANN. Mr. Wills, a very capable man, who succeeds in Washington Mr. Fuller, who was here for years as the legislative representative of the brotherhood, represents the Brotherhood of Locomotive Engineers, the Brotherhood of Locomotive Firemen and Engineers, the Order of Railway Conductors, and the Brotherhood of Railway Trainmen. He asks the passage

of the bill in the form that it now is, and does not do this merely on his own volition, because the bill in its present form has been submitted to the heads of all of these orders and meets their approval.

Mr. BARTLETT of Georgia. May I interrupt the gentleman a moment?

Mr. MANN. Certainly.

Mr. BARTLETT of Georgia. Should it not be stated also that in the last annual meeting of the Railway Trainmen and the Order of Railway Conductors and the Order of Locomotive Engineers this bill was indorsed by them?

Mr. MANN. Yes; I might say the bill is not perfect in form. It is a departure from the past policy of the Government in these matters, except as to the inspection of steamboat boilers. It will not be found, in my judgment, to work perfectly, so far as the matter of administration is concerned, but evils that are disclosed in that respect can be corrected at subsequent Congresses.

I yield to the gentleman from Colorado [Mr. MARTIN], who has been very active in this matter.

Mr. MARTIN of Colorado. Mr. Speaker, I merely wish to assure the Members, as perhaps the only Member of this House who is directly affiliated with the railway brotherhoods of the country, that this measure is agreed upon by and is satisfactory to them at this time in its present form. Of course, it is anticipated that the bill may present difficulties of administration and that defects may be developed in its details and practical application which will perhaps require future attention at the hands of Congress. But they feel that this is the recognition and the establishment by Congress of a much-needed principle—to protect the lives and limbs of railway employees—and that is what they are chiefly concerned in with reference to the present measure.

The regulation and inspection of locomotive boilers by State governments is practically impossible, because there are but few locomotives which do not operate in two or more States. Besides, all other parts of train equipment are now under Federal regulation and inspection and governed by Federal law.

We require driver brakes to be placed upon locomotives; we require air brakes; we require uniform automatic couplings; and we have recently passed an act relative to the equipment and inspection of handholds, steps, ladders, and running boards; so that the locomotive boiler is practically the only part of the train which is not now subject to such regulation and inspection. I trust, therefore, that no objection will be urged and that we may complete a series of acts which are doing so much to protect the railway employees of the country, and the traveling public as well.

Mr. MADDEN. Will the gentleman yield to a question?

Mr. MARTIN of Colorado. Certainly.

Mr. MADDEN. All the marine boilers in use in the United States are inspected by the Government of the United States before being allowed to be used?

Mr. MARTIN of Colorado. They are.

Mr. MADDEN. Is there any reason why the department of inspection having jurisdiction of the inspection of marine boilers should not take jurisdiction over the inspection of these boilers?

Mr. MANN. We think it is not practicable. We asked that very same question of Gen. Uhler.

Mr. MADDEN. It seems to me the establishment of a new bureau for this purpose is creating an additional and unnecessary expense, because the bureau which is already in existence is one of the most efficient bureaus in the Government service. No boiler used in marine work anywhere on the waters under the jurisdiction of the United States is permitted to be operated except after the most rigid inspection and examination by the inspectors in that bureau. And if any bureau established under this law should give as rigid an inspection to boilers on the railroads as the inspection given by the marine bureau of inspection there would be a great deal more safety in the operation of the boilers on the railroads.

Mr. KENDALL. Will the gentleman yield?

Mr. MADDEN. I have not the floor. I was just asking a question.

Mr. KENDALL. Mr. Speaker, I want to inquire what the parliamentary status of the matter is.

The SPEAKER pro tempore (Mr. OLMSTED). As the Chair understands it, the gentleman from Illinois [Mr. MANN] has the floor. He yielded to the gentleman from Colorado [Mr. MARTIN], who yielded to the gentleman from Illinois [Mr. MADDEN]. The right to make objection was reserved by the gentleman from New York [Mr. FITZGERALD].

Mr. MADDEN. I am perfectly in harmony with the theory of the bill, but I think that the provisions of the bill would be better executed under the bureau which is already in existence,

and which has experience, than it would be by the establishment of a new bureau.

Mr. MANN. We do not establish a new bureau by this bill, I will say. Now, Mr. Speaker, if anybody desires to object, all right. There are a good many gentleman who would like to be heard on this bill. I was going to ask unanimous consent, if no objection was made, that Members have leave to print on this bill for five legislative days.

I hope the gentleman will not at this time ask to address the House in reference to the bill, because it was understood that we would not take a great deal of time on this bill on the Unanimous Consent Calendar.

Mr. ROBINSON. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. ROBINSON. Did the gentleman's committee have information as to the number of accidents and the number of injuries that have recently been occasioned by boiler explosions?

Mr. MANN. Oh, yes; we have those reports all the time.

Mr. ROBINSON. I am heartily in sympathy with the purpose of this legislation, and from the limited inspection that I have been able to give the bill I believe that it ought to pass.

During the last session many telegrams and resolutions were received by me strongly indorsing the principle of this legislation. Its enactment will diminish the number of accidents occasioned by defective boilers and will give some greater degree of security to those engaged in the very hazardous business of operating railway locomotives.

State legislatures can not deal with the subject adequately. It is desirable that uniform requirements be made throughout the country. This can only be accomplished by the action of Congress.

Some sections of the bill might be improved by amendment. Yet the Committee on Interstate and Foreign Commerce has given careful consideration to the bill, and it is perhaps as near perfect as any measure could be before being tested by practical operation. As stated by the chairman of the committee, the provisions of this bill have been agreed upon by representatives of the interstate railroads and of the various organizations of employees directly concerned in its passage. It is therefore better that the bill be passed without amendment. Its defects can be easily corrected by future legislation should they become apparent.

The many accidents occurring on railroads in the United States as compared with some foreign countries emphasizes the necessity of enacting this measure. It is of the highest importance that every practicable means be adopted for guaranteeing safety to operatives and to passengers. I have not the slightest doubt that the systematic inspection of boilers on locomotives used in interstate commerce, sought to be established by this bill, will in a very short time reduce to a minimum accidents arising from defective boilers. Surely no one can be blind to the desirability of accomplishing such an end. It can work no harm to anyone. The railroads, realizing the demand for the legislation, have aided in the preparation of this bill, which, while not without some objections, has the approval of all the members of the very busy and important committee of this House which has considered and reported it. I express the hope that the bill will be speedily passed.

Mr. COOPER of Wisconsin. Will the gentleman from Illinois yield?

Mr. MANN. I will yield to the gentleman.

Mr. COOPER of Wisconsin. On the last page of the bill, line 5, it says it is the duty of such attorneys—that is, the United States district attorneys—"subject to the direction of the Attorney General, to bring such suit upon duly verified information," and so forth. Suppose such duly verified information be filed with the United States district attorney showing a violation of these rules and regulations, would the United States district attorney have to write to or in any way consult the Attorney General before he could bring suit?

Mr. MANN. No; he would not under that language. It is unnecessary to have that provision, in my opinion, and if I had been drafting the bill I would not have put it in, because district attorneys under the law are under the direction of the Attorney General.

Mr. COOPER of Wisconsin. They are after the suit is brought, but the question here is as to the bringing of the suit in the first instance. Could they, under this language, bring the suit without first consulting the Attorney General?

Mr. MANN. Yes. There is similar language in other bills where that language has been construed.

Mr. KENDALL. It means that they shall prosecute under the general supervision of the Attorney General.

Mr. COOPER of Wisconsin. But the language of the bill is: It shall be the duty of such attorneys, subject to the direction of the Attorney General, to bring suit.

"Subject to the direction of" means the same as "subject to the approval of;" and the language of the bill means the same as if it read in this way: "It shall be the duty of such attorneys, subject to the approval of the Attorney General, to bring suit."

Mr. MANN. It is subject to his direction; he could direct them not to bring suit.

Mr. COOPER of Wisconsin. Suppose a boiler exploded in Colorado; the United States district attorney would have to consult the Attorney General here and receive his approval or direction before he could bring a suit.

Mr. MANN. I think there is nothing in the point the gentleman suggests. I will say frankly that I do not think the language is very good.

Mr. COOPER of Wisconsin. I think that my construction is the correct one.

I have made this suggestion because of an experience in Wisconsin. My State had a statute requiring manufacturers to put gates about elevator shafts and in various ways to protect employees against dangerous machinery and punishing those who disobeyed the law. This law authorized inspectors to lodge complaints for violations of it. An attempt was made to amend the law so as to require a local inspector first to secure the consent of the State commissioner of labor before he (the inspector) could begin an action. Immediately there was a great uproar, because, owing to the large number of violations of the act, and for other reasons, it would be utterly impossible for the labor commissioner of the State properly to examine into the cases without occasioning such delay as practically to nullify the law.

Mr. MANN. I think this is perfectly plain. If it said by direction of the Attorney General he could bring suit, that would be one thing. The Attorney General could order him not to bring suit, and he has that authority in any suit.

Mr. COOPER of Wisconsin. Will the gentleman permit another suggestion?

Mr. MANN. Certainly.

Mr. COOPER of Wisconsin. Where the Attorney General by statute is given control of litigation, the language is clear that the suit or action shall be subject to the direction and control of the Attorney General. But this relates to the bringing of the suit. The language of the pending bill is that it is the duty of the district attorneys, "subject to the direction of the Attorney General, to bring suits." That is quite another thing.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

There was no objection.

Mr. MANN. Mr. Speaker, I ask unanimous consent that all gentlemen have leave to extend remarks in the RECORD on this bill for five legislative days.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. BARTLETT of Georgia. Mr. Speaker, I ask unanimous consent that the first five pages of the report from the Committee on Interstate and Foreign Commerce be printed in the RECORD.

The SPEAKER pro tempore. The gentleman from Georgia asks unanimous consent that the first five pages of the report of the committee on this bill be printed in the RECORD. Is there objection?

There was no objection.

The following is the matter referred to:

[House Report No. 1974. Sixty-first Congress, third session.]

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (S. 6702) to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their locomotives with safe and suitable boilers and appurtenances thereto, beg leave to report the said bill back to the House with the recommendation that it be passed with the following amendment:

Insert as a new section the following:

"Sec. 10. The total amounts directly appropriated to carry out the provisions of this act shall not exceed for any one fiscal year the sum of \$300,000."

The subject of locomotive-boiler inspection has received careful and lengthy consideration by the committees of the House and the Senate having jurisdiction of the bills introduced relating thereto. The matter has also been the subject of careful consideration and conference between representatives of the railroad companies and representatives of the associations of railroad employees. The different railway employees' organizations have given great consideration to the questions involved. Many of the railroads acting together appointed a committee to consider this and other safety-appliance legislation.

The bill as now reported has the approval of the Brotherhood of Locomotive Engineers, the Brotherhood of Locomotive Firemen and Engineers, the Order of Railway Conductors, and the Brotherhood of Railway Trainmen, as shown by the letter hereto attached from Mr. H. E. Wills, the national legislative representative of those organi-

zations. It also has the approval of the special committee on relations of railway operation to legislation, representing the railroads, as shown by the letters hereto attached of Mr. F. O. Melcher, the chairman of that committee and the second vice president of the Rock Island lines of railroads. It also has the approval of the American Federation of Labor, as shown by the letter hereto attached from Mr. Arthur E. Holder, of the legislative committee of that organization. Letters from other representatives of railroads are hereto attached acquiescing in or approving the measure.

The bill now reported forbids the railroads from using locomotive engines propelled by steam power in moving interstate or foreign traffic unless the boilers and appurtenances thereof are in proper condition and safe to operate, and unless such boilers shall be inspected from time to time in accordance with the provisions of the act. It provides that the inspection of the boilers shall be made by the railroads in accordance with rules and instructions to be prepared in the first instance by the railroads, but subject to approval and modification by the Interstate Commerce Commission, which may itself prepare the rules and instructions for any railroad if that road fails to prepare and file the same.

The bill provides for the appointment of one chief inspector and two assistant chief inspectors of locomotive boilers, to be confirmed by the Senate. The chief inspector to receive a salary of \$4,000 and each of the assistants \$3,000. It provides for the division of the country into 50 locomotive boiler inspection districts and the appointment of 50 inspectors, who shall be in the classified service and be appointed through the Civil Service Commission. The 50 inspectors are each to receive a salary of \$1,800 and traveling expenses, and, in addition may receive an annual allowance for rent, stationery, and clerical assistance, to be fixed by the Interstate Commerce Commission, but not exceeding for any inspector \$600. It requires the railroad companies to file with the inspector of the district a sworn report of each inspection and also a sworn statement as to repairs of the defects disclosed by the inspection. It authorizes any district inspector to order any locomotive out of service if he finds the boiler or apparatus pertaining thereto not in serviceable condition, subject to an appeal to the chief inspector, and a further appeal from the chief inspector to the Interstate Commerce Commission, but provides that pending the appeal the requirements of the inspector shall be effective.

It provides that in case of accident resulting from failure from any cause of a locomotive boiler or its appurtenances, resulting in serious injury or death to one or more persons, statement must be made by the railroad to the chief inspector, and that such accident shall be investigated by a Government official, and that the results of such investigation shall be made public in such manner as the Interstate Commerce Commission deems proper.

It provides a penalty of \$100, to be recovered by suit brought by the United States district attorney, for any violation of the act or of any rule or regulation made under its provisions, or of any lawful order of any inspector.

HISTORY OF THE PROPOSED LEGISLATION.

On May 17, 1909, Hon. PHILIP P. CAMPBELL, of Kansas, introduced in the House a locomotive boiler inspection bill, being H. R. 9786. A similar bill had previously been introduced in the Senate on March 22, 1909, by Senator BURKETT, of Nebraska, S. 236, and similar bills were introduced in the House by Mr. KINKAID of Nebraska, on May 20, 1909, H. R. 9965, and by Mr. MARTIN of Colorado on June 21, 1909, H. R. 10889. These bills made specific requirement as to the equipment of locomotive boilers and provided for an inspection under the Secretary of Commerce and Labor of each boiler at least once in every three months, and forbade the use of locomotives which had not thus passed a Government inspection.

Hearings were had before your committee upon the House bills, commencing in January, 1910, and the Senate committee also had hearings upon the Senate bill. As a result of these hearings there was introduced into the Senate on February 23, 1910, by Senator BURKETT, of Nebraska, Senate bill 6702, and a similar bill was introduced into the House on March 1, 1910, by Mr. TOWNSEND, of Michigan, as H. R. 22066. The hearings and conferences and discussions in reference to the various bills pending were continued from time to time and on May 16, 1910, Mr. TOWNSEND, of Michigan, introduced another bill on the subject, H. R. 25924. On June 21, 1910, the Senate Committee on Interstate Commerce reported a substitute amendment for the original Senate bill, S. 6702.

No final action was taken by either House of Congress upon these bills at the last session, though the hearings and discussions of the committees continued concerning them, as well as conferences between the railroads and railway employees specially interested.

During the vacation following the adjournment of the last session of Congress various members of your committee gave special attention and study to the matters involved in the proposition, and Mr. MANN, the chairman of your Committee on Interstate and Foreign Commerce, prepared the draft of a bill, a committee print of which was made and furnished to the officials of the railroads and railway employees' organizations for consideration and discussion. Following the reassembling of Congress in December last, Senate bill 6702, which had been reported on June 21, 1910, with a substitute, was recommitted to the Senate Committee on Interstate Commerce, and that committee reported the bill back to the Senate on December 16, 1910, with a new substitute. Prior to that time, at the request of the representatives of the organizations of railway employees and the American Federation of Labor, Mr. MANN prepared an analysis of his draft of a bill and of the Senate substitute which had been reported to the Senate on June 21, 1910, which analysis was printed and furnished to the parties in special interest.

During the summer vacation the committee representing the railroads and the officials of the employees' organizations had conferences in reference to the propositions involved, and subsequent conferences were held in reference to the Mann draft of bill and the Mann analysis of the Senate bill, which set out various objections to the form of that bill. As a result of all this consideration and discussion various changes were agreed upon and recommended by the respective representatives of the railroads and their employees, which changes were agreed to by amendment in the Senate in S. 6702, as it passed that body on January 10, 1911.

While it is doubtless true (and certainly is in the opinion of the writer of this report) that the bill now reported might be improved by amendment, yet, in view of the thorough consideration which has been given to this matter, and in view of the fact that the bill in its present form is agreeable to the two parties most interested, to wit, the railroad companies and the railway employees, your committee believes it to be desirable to pass the bill in its present form, with the amendment suggested, putting a limitation on the expense to the Gov-

ernment involved, which limitation is also agreeable to those who have given special consideration to the subject, as above set forth.

The letters referred to and the various bills and other papers referred to, except the hearings, are herewith attached as a part of this report, in order that the changes which have been made from time to time may be more easily traced.

OPINION OF RAILWAY EMPLOYEES.

WASHINGTON, D. C., January 17, 1911.

DEAR SIR: Confirming conversation had with you to-day, in company with ex-Senator Faulkner and Mr. F. O. Melcher, in reference to the locomotive boiler inspection bill, will say:

In speaking for the four railroad organizations which I represent, I wish to most earnestly request that you use your influence for the favorable consideration in your committee and the passage in the House, without alteration or change, of what is known as bill S. 6702, that passed the Senate on the 10th instant, this bill having been agreed to by the representatives of the railroads and myself, together with others who have been interested in favoring Government supervision of locomotive boilers.

Thanking you, personally, as well as your committee, for the kind and courteous consideration I have received at your hands during the hearings last winter and during our several conferences this winter upon these and other objects, I am, with kind regards,

Very truly, yours,
H. E. WILLS,
National Legislative Representative.
Hon. JAMES R. MANN,
Chairman Committee on Interstate and Foreign Commerce,
House of Representatives, Washington, D. C.

OPINION OF RAILROAD OFFICIALS.

SPECIAL COMMITTEE ON RELATIONS OF

RAILWAY OPERATION TO LEGISLATION,

Washington, D. C., January 17, 1911.

DEAR SIR: In response to your letter of January 12, 1911, and carrying out the assurance given at the conference this morning at your office, at which were present Messrs. Faulkner, Wills, and Melcher, I beg to advise that Senate bill (S. 6702) to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their locomotives with safe and suitable boilers and appurtenances thereto, embodies the requisites of a boiler inspection bill, which were agreed upon after conference between the special committee and Mr. H. E. Wills, representative of the employees.

The negotiations which preceded the agreement consisted of several conferences at which various amendments were considered and agreed upon.

This communication is to advise you that the special committee for the railroads it represents acquiesces in the passage of this act by the House of Representatives.

I have sent copies of this communication to Mr. H. E. Wills, representative of the employees, and to the Hon. Chas. J. Faulkner, F. O. MELCHER.

Yours, very truly,
Hon. JAMES R. MANN,
Chairman of Committee on Interstate and Foreign
Commerce, House of Representatives, Washington, D. C.

ROCK ISLAND LINES,
Chicago, January 18, 1911.

DEAR MR. MANN: There is one thing that I did not mention to you in our talk yesterday in view of our limited time, and I also omitted mention of it in my letter which was dated yesterday.

It is this: That the American Railway Master Mechanics' Association has adopted by informal ballot, for recommended practice of the association, uniform rules for the inspection and care of locomotive boilers.

I call your attention to the fact that these rules are included in Bulletin No. 11 of this committee, a copy of which you have.

I am simply bringing this to your attention in order that you and your committee may know the progress the railroads have made in this matter, and you will appreciate that this is one step in the direction of simplifying the processes of the supervision of boiler inspection.

Yours, very truly,
F. O. MELCHER.
Hon. JAMES R. MANN,
Chairman House Committee on Interstate and
Foreign Commerce, Washington, D. C.

AMERICAN FEDERATION OF LABOR,
Washington, D. C., January 20, 1911.

MY DEAR MR. MANN: The bill S. No. 6702, passed by the Senate on January 10, for the purpose of promoting the safety of employees and travelers upon railroads, by compelling common carriers to equip their locomotives with safe and suitable boilers and appurtenances thereto, meets with the general approval of the organization I have the honor to represent; and if it will be possible for your committee to report this bill to the House and secure its enactment without change, I am confident it will meet with hearty approval and will be highly appreciated.

Thanking you personally, and through you the members of your committee, for the painstaking consideration given this important measure, I am,

Very truly, yours,
ARTHUR E. HOLDER,
Legislative Committee, American Federation of Labor.
Hon. JAMES R. MANN,
Chairman Committee on Interstate and Foreign Commerce,
House of Representatives, Washington, D. C.

WASHINGTON, D. C., January 21, 1911.

MY DEAR SIR: Representing certain railroads, and especially the committee of which Mr. F. O. Melcher is chairman, I had several conferences with Senator CUMMINS, chairman of the subcommittee having charge of Senate bill 6702, being "An act to promote the safety of employees and travelers upon railroads by compelling carriers engaged in interstate commerce to equip their locomotives with safe and suitable boilers and appurtenances thereto," at which conferences were present representatives of the Boiler Makers' Association, representatives of the Federation of Labor, and Mr. Wills, representing the four brotherhoods of railroad employees. The bill which passed the Senate was the result finally reached in these conferences and acquiesced in by all who were present.

Under these circumstances, I feel that I should make no further opposition to the passage of this bill, unless its provisions should be changed from the form in which they passed the Senate.

With great respect, I remain, very truly, yours,

CHARLES J. FAULKNER.

Hon. JAMES R. MANN,
Chairman Committee on Interstate and Foreign Commerce,
House of Representatives, Washington, D. C.

Mr. COOPER of Wisconsin. Mr. Speaker, I shall not object to consideration of the bill; but had it not been announced here that it has been agreed that the bill is to pass exactly in its present form, I should have offered an amendment to cover the point which I have raised.

Mr. MANN. I will say that had not circumstances been just as they are, I should have offered several.

Mr. COOPER of Wisconsin. In my judgment the only interpretation to be put on that language is that the United States district attorney can not, except subject to the direction—that is, the approval—of the Attorney General, bring a suit.

Mr. BARTLETT of Georgia. Mr. Speaker, may I state that there are many inaccuracies and awkward expressions in this bill. I hesitate to say that, because it comes from the Senate. The committee would like to have corrected them and made several expressions more accurate and correct in many instances from what they are now. But we realized that this was important legislation—a step in the right direction—for the protection not only of the lives and the limbs of the employees of the railroad, but of the property of the railroad and the property of the public, and as it had come from the Senate without opposition, we thought it was proper not to undertake to delay by suggesting amendments that probably not only might delay but defeat the measure.

Mr. ADAMSON. Mr. Speaker, will the gentleman from Illinois yield?

Mr. MANN. I yield to the gentleman.

Mr. ADAMSON. Mr. Speaker, I desire our colleagues in the House to understand that this bill does not entirely represent the ideas and wishes of any one of our committee. All of us doubtless would have offered amendments and insisted on other features, but the subject has been discussed and pressed a long time, and when the parties immediately at interest agreed upon the text of this bill, seeing that it did to a large extent protect the public, and fearing we would secure nothing if we did not take what was agreed upon, we unanimously determined to report this bill because thereby we would secure some very much-needed benefits.

Mr. PETERS. Mr. Speaker, the inspection of locomotive boilers in the interests of the traveling public and of railway men has for some time received public attention. No form of accident in modern industry is more terrible or more unnecessary than the boiler explosion. The demand for adequate inspection of boilers by the Government has resulted in this bill. The Committee on Interstate and Foreign Commerce reports this bill favorably, and I wish to emphasize to the House the importance of indorsing the committee's action.

We gave this problem the most careful consideration and extensive public hearings were held at which appeared representatives of the railroad companies, the unions, and the railroad employees' organizations. The Brotherhoods of the Locomotive Engineers and Firemen, the Order of Railway Conductors, and the legislative committee of the American Federation of Labor have all indicated their approval of this bill. Several experts from the operating departments of the railroads have testified to its practicability of operation. This bill assures the maintenance of a higher standard of safety in locomotive boilers and appurtenances than has heretofore been required. The requirements are absolute and unavoidable. The inspectors provided for in this bill must at any time order to the shops a locomotive which falls below the required standard. The bill also provides for the investigation and special report of all accidents due to faulty boilers.

Public hearings were held by the committee in January, 1910, on this subject. This bill was prepared and passed in the Senate, and it embodies, in the opinion of the House committee, the requisites for efficient legislation on this subject, as shown by our own investigations. While some of us wish it were more complete in many provisions, I believe the bill will attain the desired result. An attempt to amend the bill will necessitate, if successful, its return to the Senate and its probable failure to become law at this session.

The Members of this House are aware of the danger that may come to operatives and passengers through defects in boilers of locomotives. Steam is kept at a high pressure, often times 200 pounds to the square inch. Defects can not be detected except by careful inspection by experts, occasionally from the inside of the boiler. In the rush of traffic railroad com-

panies sometimes yield to the temptation of running their engines without adequate inspection. Many terrible explosions involving ghastly loss of life have occurred.

Marine boilers are already subject to Government inspection, although a much lower steam pressure is there required. Federal legislation has already required air brakes, up-to-date couplings, and other safety appliances upon railroads in the interests of employees and the public. The enactment of this measure is necessary for the completion of this humane program. Trainmen and employees generally strongly favor it. No valid argument can oppose its enactment. I regard it personally as a measure of the most vital importance, and I wish to record myself most emphatically in favor of its passage.

Mr. MANN. Mr. Speaker, I move the previous question on the bill and amendment to final passage.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the committee amendment.

The amendment was agreed to; and the bill as amended was ordered to be read a third time, was read the third time, and passed.

DAM ACROSS NIOBRARA RIVER.

The next business was the bill (H. R. 31662) granting five years' extension of time to Charles H. Cornell, his assigns, assignees, successors, and grantees, in which to construct a dam across the Niobrara River, on the Fort Niobrara Military Reservation, and to construct electric-light and power wires and telephone line and trolley or electric railway, with telegraph and telephone lines, across said reservation.

The Clerk read the bill, as follows:

Be it enacted, etc., That the time given Charles H. Cornell, his assigns, assignees, successors, and grantees, by an act of Congress entitled "An act to grant to Charles H. Cornell, his assigns and successors, the right to abut a dam across the Niobrara River on the Fort Niobrara Military Reservation, Nebr., and to construct and operate a trolley or electric railway line and telegraph and telephone lines across said reservation," approved June 18, 1906, in which to construct and to put into operation such dam, and to construct and suspend wires across the said Fort Niobrara Military Reservation for the purpose of transmitting electric light and power, and to complete the construction of telegraph wires across said military reservation; also, the time in which to complete the construction and commence the operation of the trolley or electric railway, with telegraph and telephone lines, over said Fort Niobrara Military Reservation, be, and the same is hereby, extended for five years from the date of the approval of this act: *Provided*, That the privileges granted in said act may, for any military reason or public necessity, be revoked by order of the Secretary of War, in the event of which, on the further order of the Secretary of War so to do, any or all of the construction of any kind, improvements, fixtures, or appurtenances, shall be removed by the owner of the same at his or its own expense and cost, and without any claim of any kind from the United States.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. MANN. Mr. Speaker, I reserve the right to object.

Mr. FITZGERALD. Mr. Speaker, reserving the right to object, when was this authority first given?

Mr. MANN. In 1906.

Mr. KINKAID of Nebraska. Mr. Speaker, all this bill seeks is an extension of five years in which to construct a dam across a small stream. It is called a river out in that country, where we do not have the greatest amount of water, but in reality it is only a creek, and to abut the dam on the side on which a military reservation exists. A privilege was also granted to construct a railway across the military reservation. The time will lapse on the 18th of June next. There have been about \$20,000 expended on the project in making surveys for the railway, which will be something over 100 miles in length if constructed.

Mr. MANN. Will the gentleman yield for a question?

Mr. KINKAID of Nebraska. Yes.

Mr. MANN. On page 2 the proviso says:

That the privileges granted in said act may, for any military reason or public necessity, be revoked by order of the Secretary of War.

Will the gentleman agree to an amendment to strike out the words "for any military reason or public necessity," so that it will read—

That the privileges granted in said act may be revoked by order of the Secretary of War.

Mr. KINKAID of Nebraska. If I have to, in order to get the bill through, I will do so.

Mr. MANN. There will be a controversy at once, if the Secretary of War endeavors to revoke the privileges granted, as to whether it was a military reason or a public necessity, which would require the construction of a court.

Mr. KINKAID of Nebraska. I desire to explain why it is here, why that clause was used instead of the other clause which the gentleman doubtless has in contemplation. It is because the promoters of this railway undertook to finance it, and on account of this clause which the gentleman would pro-

pose they could not finance the proposition. They were informed that with this clause which is in the bill they could finance the proposition. So I carried the letter containing this clause to the legal adviser of the War Department, the Judge Advocate General, and he approved it. The bill was referred to the Secretary of War afterwards.

Mr. MANN. Well, that is all right. We passed a great many of these bills in relation to dams through the committee of which I am a member, but we do not give any such authority as this.

Mr. KINKAID of Nebraska. I would say to the gentleman this military reservation is not in use and may be abandoned at any time entirely. It has not been in use for several years, and it may be abandoned at any time. It may possibly be used for maneuvering purposes, but I would very greatly prefer to have this clause continued.

Mr. MANN. But if the Secretary of War is to have the right to revoke the privileges granted then he ought to have that right, and not require him to go to a court to establish such right. That has never been the policy of the Government.

Mr. KINKAID of Nebraska. I understand he would have the right to determine whether or not a military necessity did exist.

Mr. MANN. He would not have any such right under the terms of the bill; that is for the court to determine. So that he would not revoke it except for some reason.

Mr. KINKAID of Nebraska. I think that is as broad as the other, but they can finance it with this proposition and could not with the other.

Mr. MANN. Oh, they will not have trouble about that; that was because of the panic; and they ought not to have any trouble if it is a proper enterprise.

Mr. KINKAID of Nebraska. That is what the brokers said.

Mr. MANN. They always want to get as broad and wide an authority as they can get, and they are not to be blamed for that. It is our business to protect the interests of the Government. Will the gentleman object to that amendment?

Mr. KINKAID of Nebraska. No; I will have to submit.

Mr. MANN. Oh, no; the gentleman does not have to submit at all. I do not want to coerce the gentleman.

Mr. KINKAID of Nebraska. Then go ahead with your amendment.

Mr. MANN. I shall object unless the gentleman cheerfully agrees.

Mr. KINKAID of Nebraska. Certainly; offer the amendment and I will agree to it.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

Mr. MANN. Will the gentleman agree to the amendment?

Mr. KINKAID of Nebraska. Oh, yes.

Mr. MANN. In lines 13 and 14 strike out the words "for any military reason or public necessity," and in line 17 make the word "construction" in the plural. That is necessary to correct the bill.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, lines 13 and 14, strike out the words "for any military reason or public necessity," and in line 17 make the word "construction" in the plural.

The question was taken, and the amendment was agreed to.

Mr. MANN. Mr. Speaker, I desire to offer a further amendment, which is "The right to alter, amend, or repeal this act is hereby expressly reserved."

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Add a new section to read:

"The right to alter, amend, or repeal this act is hereby expressly reserved."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

GOVERNMENT FREE BATHHOUSE.

The next business on the Unanimous Consent Calendar was the bill (H. R. 32082) limiting the privileges of the Government free bathhouse on the public reservation at Hot Springs, Ark., to paupers.

The Clerk read as follows:

Be it enacted, etc., That only persons who are paupers or impecunious and are suffering from ailments for which bathing in the water of the Hot Springs Reservation will afford relief or effect a cure shall be permitted to bathe at the free bathhouse on the public reservation at Hot Springs, Ark., and before any person shall be permitted to bathe at the free bathhouse on the reservation he shall be required to make oath, before such officer duly authorized under the laws of the State

of Arkansas to administer oaths for general purposes as the superintendent of the Hot Springs Reservation shall designate, that he is a pauper or an impecunious person, and any person desiring to bathe at the free bathhouse on the Hot Springs Reservation making a false oath as to his financial condition shall be deemed guilty of willful perjury and be punished in the manner provided by law for the crime of perjury.

The following committee amendments were read:

In line 3 strike out the words "paupers or impecunious" and insert in lieu thereof "without and unable to obtain the means to pay for baths."

In line 13 strike out the following words: "a pauper or an impecunious person" and insert in lieu thereof "without and unable to obtain the means to pay for baths."

Amend the title as follows:

"A bill limiting the privileges of the Government free bathhouse on the public reservation at Hot Springs, Ark., to persons who are without and unable to obtain the means to pay for baths."

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. MANN. Mr. Speaker, reserving the right to object, I merely want to ask the gentleman from Arkansas in reference to a technical matter, and that is in reference to taking oath before an officer duly authorized under the laws of the State of Arkansas. Would not authorizing these officers to administer oaths and also all Federal officers who are at the Hot Springs be a desirable thing to do?

Mr. ROBINSON. Mr. Speaker, I have no objection whatever to the amendment suggested by the gentleman from Illinois, and I therefore move—

Mr. FOSTER of Illinois. It seems to me, Mr. Speaker, we ought to have an explanation of this bill respecting this change. It is an important question.

Mr. ROBINSON. Mr. Speaker, I shall be very glad to explain the provisions of this bill. It was prepared by the Department of the Interior and is in line with the suggestions contained in the report of the superintendent of the Hot Springs Reservation. There is maintained in the city of Hot Springs, at Government expense, a free bathhouse, which, under the law as it now exists, is designed for the use of indigent persons. During recent years it has been so crowded as to make its results unsatisfactory. Persons who are not truly entitled to the privileges of the free bathhouse, and who are believed by the superintendent to be able to pay for their baths, have availed themselves of its privileges under the belief that there is more merit in the baths administered there than at other places. And this practice has resulted in crowding out to some extent persons who are, in fact, indigent. As an illustration of the crowded condition of the free bathhouse, more than 200,000 baths were administered there during the last year, and an average of almost 600 persons have bathed there daily during the year 1910—the total number rising as high as 900 on some days. This bill, as amended, requires persons applying for free baths to make an affidavit that they are without means and unable to obtain the same to pay for baths, and it is thought by the superintendent of Hot Springs Reservation that this will reduce the number of persons availing themselves of the privilege of the free bathhouse by at least one-fifth.

Mr. FITZGERALD. Will the gentleman yield?

Mr. ROBINSON. With pleasure.

Mr. FITZGERALD. What is meant by a person's affidavit that he is unable to obtain means to pay for the bath?

Mr. ROBINSON. It means exactly what it says. He can not obtain the money to pay for it.

Mr. FITZGERALD. He can not go out and earn it or borrow or steal it or what?

Mr. ROBINSON. It means that he does not have it, and can not get it in any lawful way, of course. There are some persons who go there who get "busted," to use a common expression, who might be able to raise the money, and it is not thought that they should be admitted to the privileges of the free bathhouse to the exclusion of the persons who are really indigent.

Mr. MADDEN. In all the great municipalities of the country they are establishing free bathhouses, and they expect anybody to come there and get baths. Why should the Government of the United States impose conditions that are not imposed by the municipalities of the United States?

Mr. ROBINSON. On account of the extraordinary conditions that prevail there.

Mr. MADDEN. What are they?

Mr. ROBINSON. The existence of the hot waters, which attracts a great number of indigent persons to the city of Hot Springs. They come there in greater numbers than perhaps to any other place in the world. The city is unable to maintain free bathhouses, and the Government is not maintaining free bathhouses in sufficient numbers to enable every person who comes there to avail himself of them, and this is designed to

make those persons who are able to pay for baths pay for them and give the privilege of the free bathhouse to indigent persons.

Mr. FITZGERALD. In the interests of the Bathhouse Trust?

Mr. ROBINSON. There is no Bathhouse Trust; but to the number of persons excluded it would help the bathhouses, of course. My attention is called to the fact that the Government owns the waters there and controls them.

Mr. TILSON. How much does it cost in Arkansas to obtain the jurat to an affidavit?

Mr. ROBINSON. Twenty-five cents, as a rule.

Mr. TILSON. Then a man would have to have 25 cents in order to pay for the jurat to his affidavit before he could get a bath, would he not?

Mr. ROBINSON. Unless the bathhouse would make provision to take his affidavit, which unquestionably would be done. That would give him the right to bathe continuously.

The measure, I will say in this connection, is not of overwhelming importance; it is a departmental measure, and it is thought its passage will improve the administration of the free baths at the Government bathhouses.

Mr. FITZGERALD. You punish these men for a false affidavit by perjury?

Mr. ROBINSON. That is the language of the bill.

Mr. FOSTER of Illinois. Does the gentleman think that a man ought to be convicted for perjury for wanting to take a bath? [Laughter.]

Mr. ROBINSON. I think some gentlemen ought to be punished for not taking baths. [Laughter.]

Mr. FOSTER of Illinois. I do not think when he is anxious to take it he ought to be punished for perjury. I would suggest to the gentleman that he ought to strike that out.

Mr. ROBINSON. If the gentleman insists on that amendment, I do not think I should object to it.

Mr. FITZGERALD. Why not make the man guilty of a misdemeanor?

Mr. ROBINSON. If the gentleman will offer that amendment, I will accept it. I would not like to have the bill amended so that persons can make false affidavit without any penalty. In view of the suggestion, Mr. Speaker, I move an amendment.

The SPEAKER pro tempore. The question of consideration should be first disposed of. Is there objection to the consideration?

Mr. FOSTER of Illinois. Mr. Speaker, reserving the right to object, the only question in my mind is whether we ought to restrict the right of people to bathe there. The Government, as I understand, owns the Hot Springs Reservation.

Mr. ROBINSON. They control absolutely the land around the springs, and all of the hot water.

Mr. FOSTER of Illinois. It is under the control of the War Department?

Mr. ROBINSON. Under the control of the Interior Department.

Mr. FOSTER of Illinois. They have established one spring there where it is supposed to have more virtue than other springs for the use of the general public of the United States.

Mr. ROBINSON. Mr. Speaker, I do not wish to detain the House further with this bill; if gentlemen have any objection to it, I wish they would make it now.

Mr. FOSTER of Illinois. There are some matters to be stricken out of the bill.

The SPEAKER pro tempore. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none.

Mr. ROBINSON. Mr. Speaker, in view of the suggestion made by my colleague, I offer the following amendment.

The Clerk read as follows:

Strike out all after the word "of," in line 7, page 2, and insert in lieu thereof the following: "a misdemeanor, and upon conviction thereof shall be subject to a fine of not to exceed \$25 or 30 days' imprisonment, or both."

Mr. KEIFER. Mr. Speaker, I want to say a word about this amendment. I understand that it is the first proposition ever made in the Congress of the United States to reduce the crime of perjury to a misdemeanor. It is known in all statutes of all the States, as well as in the Federal statutes, as a felony, and it was so in common law. Now, is it proposed to give a lighter sentence and reduce the crime of perjury to a mere misdemeanor?

Mr. ROBINSON. In reply to the gentleman from Ohio, I will say that this amendment, if adopted, will not define the offense as perjury, but will define it as a misdemeanor. I think it is eminently proper in view of the suggestion that a man should not be convicted of a felony, for making a false statement as to taking a bath. It is not defined as a felony in this amendment.

Mr. KEIFER. But it is perjury to make a false oath; is not that the definition of perjury? I only wish to call attention to the matter.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Arkansas.

The question was taken, and the amendment was agreed to.

Mr. ROBINSON. Now, Mr. Speaker, I offer this amendment:

Line 11, after the word "authorize," strike out the words "under the laws of the State of Arkansas."

The Clerk reported the amendment, as follows:

Page 1, line 11, strike out the words "under the laws of the State of Arkansas."

The SPEAKER pro tempore. The question is on the amendment.

The question was taken, and the amendment was agreed to.

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended.

STEEL MAIL CARS.

Mr. MURPHY. On the 30th of last month, Mr. Speaker, a wreck occurred on the St. Louis & San Francisco Railroad 1 mile west of Dixon, Pulaski County, Mo., the town in which I was partially raised and wherein I spent most of my boyhood days. The train was known as the "Meteor," one of the fastest on that road, its schedule, including stops, being about 40 miles an hour. The cars used in that train are of steel construction, and the result of this wreck demonstrates the wisdom of the Congress in providing that mail cars should be so constructed. The character of the wreck, its extent and the injuries to the passengers, are best told in an article which appeared in the Dixon Progress, a weekly newspaper published in that little city, bearing date of February 3, 1911, as follows:

One of the worst wrecks, from the amount of damage done, happened at about 7.30 last Monday morning when the Meteor, or No. 10, became derailed about a mile west of town. No. 10 is one of the Frisco's fastest trains, and being a little behind the schedule, was making an effort to regain the lost time. A defective rail caused the engine and four coaches to leave the track and plow their way over ties and ballast until the engine swerved and plunged into the embankment. The shock caused the tender to be thrown directly across the track, while the mail car, baggage car, smoker, and chair car were piled into the banks on either side of the roadbed. Luckily none of them were overturned, and their steel construction prevented them telescoping. This fact alone saved many lives, for had the coaches been of the old wooden type they would undoubtedly have been crushed like eggshells.

The passengers and train crew were all badly shaken up, but with the exception of the fireman, Bernard Crall, of Newburg, were not seriously injured. Several received cuts and bruises and were treated by our local physicians, who hurried to the scene.

PAYMENT OF IMPORT DUTIES, ETC., BY CERTIFIED CHECK.

The next business was the bill (H. R. 30570) to authorize the receipt of certified checks drawn on national banks for duties on imports and internal taxes, and for other purposes.

The Clerk read the bill, as follows:

Be it enacted, etc., That it shall be lawful for collectors of customs and of internal revenue to receive for duties on imports and internal taxes certified checks drawn on national banks during such time and under such regulations as the Secretary of the Treasury may prescribe. No person, however, who may be indebted to the United States on account of duties on imports or internal taxes who shall have tendered a certified check or checks as provisional payment for such duties or taxes, in accordance with the terms of this act, shall be released from the obligation to make ultimate payment thereof until such certified check so received has been duly paid; and if any such check so received is not duly paid by the bank on which it is drawn and so certifying, the United States shall, in addition to its right to exact payment from the party originally indebted therefor, have a lien for the amount of such check upon all the assets of such bank; and such amount shall be paid out of its assets in preference to any or all other claims whatsoever against said bank, except the necessary costs and expenses of administration and the reimbursement of the United States for the amount expended in the redemption of the circulating notes of such bank.

SEC. 2. That it shall be lawful at all times for duties on imports and for internal taxes to be paid in gold and silver coin, gold certificates, silver certificates, United States notes, and notes of national banks.

SEC. 3. That section 3009 of the Revised Statutes and all other acts and parts of acts inconsistent with this act are hereby repealed.

SEC. 4. That this act shall be effective on and after June 1, 1911.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. FITZGERALD. Mr. Speaker, reserving the right to object, I desire to ask what objection there is to permitting the acceptance of certified checks on State banks and trust companies.

Mr. McCALL. Mr. Speaker, I think this bill was reported by the gentleman from Connecticut [Mr. HILL].

Mr. MANN. It was reported by the gentleman from New York [Mr. PAYNE], who is ill and who is not here. The bill was prepared by the Treasury Department.

Mr. McCALL. It is recommended by the Treasury Department. I was not present at all of the hearings, but I think the gentleman from New York [Mr. HARRISON] was.

Mr. HARRISON. Mr. Speaker, in answer to the question of my colleague, I will say that I see no personal objection to including State banks in the provisions of this act. In fact, in the consideration of this matter by the committee I stated it seemed to me that this measure gave an additional and undue advantage to the national banks as against the State banks, because people doing business with the customhouse must under the necessity, under the terms, of this measure make their deposits in national banks against which certified checks are to be drawn.

Mr. FITZGERALD. Of course I can see one objection that might be urged, and that is that this act gives the United States a preference, a first lien upon the assets of the national bank.

Mr. BARTLETT of Georgia. And that could not be upon a State bank.

Mr. FITZGERALD. If banks should be closed prior to the payment of the certified check, the obligation of the person who has given the check still remains. In a community like Boston or New York City, to permit the payment of the customs duties by a certified check on a national bank, and to exclude the use of certified checks on State banks and trust companies, would unquestionably result in the development or the acquisition of a certain amount of business in national banks at the expense of State institutions.

Mr. MANN. I do not think practically it would make any difference. Nearly all of the large importing houses carry accounts in more than one bank.

Mr. McCALL. And then, if the gentleman will permit me, I will ask—

Mr. FITZGERALD. Just permit one other statement, and then the gentleman can answer both at once. I am under the impression that at present collectors of internal revenue accept certified checks on State banks and trust companies.

Mr. CALDER. I can assure my colleague that they do.

Mr. FITZGERALD. The law does not require the payment of internal-revenue taxes in gold, as it requires the payments of customs duties in gold. Under this law permitting the collectors of customs and internal revenue to receive for duties on imports and internal taxes certified checks drawn on national banks alone might easily be construed to prohibit the continuance of the present practice of the collector of internal revenue accepting certified checks drawn upon State banks and trust companies.

Mr. McCALL. Mr. Speaker, in the first place, with reference to the gentleman's first suggestion, the national banks are the depositories of public money. The public moneys are not deposited, as I understand, in the State banks; so that if checks were paid to the Government for customs dues they would be deposited by the Government in national banks.

I can not see that there would be any particular advantage in having the provision for payment by check applied at State banks if it was necessary to make a corresponding provision that these checks shall be a first lien upon the assets of the bank. That might create confusion altogether out of proportion to any advantages that would accrue by the simple right to draw checks which would have to be deposited in a national bank and collected by a national bank. But I will say to the gentleman that this was a report by the gentleman from Connecticut [Mr. HILL], I think.

Mr. HILL. This was a unanimous report.

Mr. MANN. The gentleman wants to know why State banks are not included.

Mr. HILL. I presume the reason why State banks are not is they are not national depositories and can not be.

Mr. CALDER. But the gentleman knows that internal-revenue collectors accept certified checks on State banks and trust companies.

Mr. HILL. Certainly, and I think that is a mistake.

Mr. BARTLETT of Georgia. Mr. Speaker, I would like to call the attention of my friend from New York [Mr. FITZGERALD] to the fact that this bill also provides that a certified check shall not be considered as payment of customs duties until it is itself paid, so that it is a mere bill for the convenience of the merchant and of the customs officer, and it provides it shall be a lien upon all property of the bank upon which it is drawn and also that the merchant who gave the certified check shall still be liable to the Government for the duties until the check itself is paid.

Mr. KEIFER. Is not that the effect of the law now?

Mr. FITZGERALD. I desire to call the attention of the gentleman to this fact: I believe in almost every State in the Union debts to the United States have a preference over all other debts under any circumstances.

Mr. McCALL. That requires a knowledge of the different statutes of States, which I do not possess. Of course national

banks are entirely under the jurisdiction of the National Government. I think this is a unanimous report from the committee, but the chairman who made the report is not present.

Mr. FITZGERALD. Would the gentleman have any objection to permitting an amendment to be offered to include State banks and trust companies? And if there should be any good reason for its elimination later that could be done.

Mr. HILL. What amendment does the gentleman propose?

Mr. FITZGERALD. To provide that after the words "national banks," to insert "State banks and trust companies."

Mr. MANN. Will the gentleman from New York allow me to suggest a matter? That would require the entire redrawing of the bill, because plainly we would have no authority to hold a preferred lien for these checks on State banks when one fails. We have no control over the State banks.

Mr. FITZGERALD. Under this bill if a certified check upon a State bank or trust company was refused payment, it would not constitute a payment of the customs duties at all, and the importer would still be liable.

Mr. MANN. The bill contains a provision which I suppose was considered necessary, that upon the failure of the bank those checks should have priority of payment, and this we can not extend to the State banks.

Mr. HILL. Mr. Speaker, if the gentleman will yield to me, I suppose the reason, the real reason, why the Treasury Department confines this to national banks is because the national banks of the country are under a uniform charter throughout the United States. Collectors of internal revenue under the regulations of the Treasury Department now receive checks on State banks or national banks, but they do so with State banks on their own individual responsibility by the consent of the department, but not by law. Now, with State banks in almost every State in the Union the conditions under which they are chartered are entirely different. Trust companies are in a still worse situation so far as variation in their responsibility to the Government is concerned, as to their reserves, as to the amount of money that they are required to keep on hand; all their conditions of banking are different. Forty-five different conditions, you may say.

If the regulations throughout the United States were such that they were required to carry the same reserve as national banks, if they were not permitted to loan on long time and on real estate, which the national-bank law forbids, if they were conducted on purely a commercial system of banking, it might be well; but they are under a broader, a wider, a much larger system of banking than national banks are. It might well be permitted in many cases, but in many cases it might be dangerous.

Mr. FITZGERALD. The gentleman is going far—

Mr. HILL. You have to go far to cover all of the State banks and trust companies in the whole country, including Porto Rico, Alaska, Hawaii, and the Philippines.

Mr. FITZGERALD. But the gentleman is mistaken. The collectors of internal revenue are permitted in their districts—

Mr. HILL. And they are individually responsible.

Mr. FITZGERALD. Just let me make a statement now. They are permitted to accept these certified checks on State banks and trust companies. Under the banking laws of all the States, as far as I am informed, the acceptance of a certified check in payment of a debt is the discharge of the debtor, and recourse must be had against the bank for collection. If the bank fails the collector of internal revenue must make good under his bond to the amount he has collected; but this bill changes the law entirely regarding the effect of accepting certified checks. It provides that the giving of a certified check will not be considered as the payment of an obligation, and therefore the payment the gentleman speaks about is completely eliminated. If the check be not paid, the persons originally liable for taxes or customs or internal revenue are still liable.

Mr. HILL. Under the terms of this bill if a collector of customs accepts a certified check he is relieved from responsibility. Under the old law and under the present system if the collector of internal revenue accepts a check his responsibility continues. There is all the difference in the world.

Mr. FITZGERALD. The gentleman is mistaken. The bill specifically provides that no person who may be indebted to the United States on account of duties, or imports, or internal-revenue taxes, or shall have tendered a certified check or checks as provisional payment for such taxes or duties, in accordance with the terms of this act, shall be relieved.

Mr. HILL. Yes; but it does not include the collector. It releases him.

Mr. FITZGERALD. It says he shall be relieved from the obligation to make ultimate payment thereof until such certified check so received shall be duly paid.

Mr. HILL. But it does not include the collector. The collector under this is released when he accepts a certified check, and the Government has a right to designate what the character of the certified check is to be.

Mr. FITZGERALD. Mr. Speaker, I am somewhat familiar with conditions affecting the banking business, at least in the city of New York—

Mr. HILL. Certainly.

Mr. FITZGERALD. And the giving of such a right to certified checks of national banks, and not to State banks and trust companies, would be to work a gross injustice to institutions created by the State itself. Such a bill can not pass here by unanimous consent, with that discrimination in it. The national banks to-day are given sufficient aid and assistance and advantage over State institutions already without having such additional advantages.

Mr. UNDERWOOD. I would like to ask the gentleman from Connecticut whether the provision in the bill which I objected to before the committee, the part of the bill that provided that these checks could be received and must be received, and that there was no power to compel the importer to pay gold, if the Treasury Department elected to call for gold, is still in the bill.

Mr. HILL. The law, as I understand it, still makes it discretionary with the Secretary of the Treasury to demand gold when he sees fit. This accommodation to the business world and the United States will be lawful under such regulations as the Treasury Department may make. It is a concession to business convenience. Now, it would be very cruel to say that the business men, not only in New York, but San Francisco and New Orleans, and all customs ports, should not be allowed to tender certified checks to collectors allowed to receive them.

As I said a moment ago, as it stands to-day, a collector of internal revenue can receive them, but he receives them on his own personal responsibility, and his responsibility extends clear up to the final payment. The Government says, "We will let up on that so far as this: We will accept certified checks on the national banks over which we have control, and release the collector from the responsibility and look to the national banks; and if it is not paid we will have a first lien on their assets, and if it is not paid then we will go back to the importer of the goods and make him pay." In other words, the Government proposes to be perfectly safe. So far as State banks are concerned, if they were in the same condition there would not be any objection to it. So far as payment of gold is concerned, which the gentleman asks about, it is entirely within the power of the Secretary of the Treasury to suspend this proposition and require payment of gold just as he can require it now under the law, but does not do it.

Mr. HARRISON. Does not the gentleman from Connecticut think that is an added danger? Suppose at a time when gold exports are taking place the collector of customs in New York should suddenly suspend the privilege of paying customs duties by certified checks and require payments in gold.

Mr. HILL. He has the right to do it now. As the gentleman knows, the obligations of the United States Government are payable by law, the interest and principal of its bonds, in terms of gold, and to take away from the Government the right to demand gold and compel them to pay it would be a travesty on the legislation.

Mr. HARRISON. It would be much better for the business community not to put it in the power of the collector of customs to cause a corner in the gold market and bring about a stringency.

Mr. HILL. There has been a settled rule of exchangeability of all forms of money since 1890, and there never has been a break, but in the case of the very condition which the gentleman names the Government should have authority to demand gold.

Mr. HARRISON. So it should.

Mr. HILL. So it should, and it is given it under this bill. It is a matter of convenience to the business community, and there is not an importer in New York or Brooklyn but would hail with glee the passage of this bill as a matter of convenience and economy, and so in every city where there is a customhouse.

Mr. UNDERWOOD. If the gentleman will yield, I want to make this statement: I have no objection to the customhouse officers receiving a certified check from a bank in payment of customs duties when it is left optional and entirely optional with the customhouse and Treasury officials to determine when they will take a check and when they will not.

Mr. HILL. That is all this bill does.

Mr. UNDERWOOD. But the bill, in section 2, has this provision:

SEC. 2. That it shall be lawful at all times for duties on imports and for internal taxes to be paid in gold and silver coin, gold certificates, silver certificates, United States notes, and notes of national banks.

That goes very much further than the provision in reference to receiving certified checks. It changes the fundamental law of the country.

Mr. HILL. But let me call the gentleman's attention to the fact that this is the very thing which the gentleman from New York insisted should not be done. So you gentlemen do not agree.

Mr. UNDERWOOD. I am not trying this on the position of the gentleman from New York.

Mr. McCALL. Is not what the gentleman has just read as changing the fundamental law of the country in the law of the country now? Is not that the exact provision of the law to-day?

Mr. UNDERWOOD. The gentleman contends it is by interpretation. I understand the gentleman contends that under the recent law the Treasury Department is required to cash all classes of money in gold. I doubt whether that is the correct interpretation. I want to say that the bonds and securities of the United States are payable in gold, and the only way the Government can get gold to-day is to require the importers to pay it at the customhouse or sell bonds.

Mr. HILL. That is right.

Mr. UNDERWOOD. Now, I am not willing to say that the Government of the United States shall be forced to sell bonds of the United States alone when the imported goods in the country can be required to pay it in gold. I can not consent to the bill going through.

Mr. HILL. The proposition does not change the power of the Secretary of the Treasury, except to enable him to broaden the scope and make it lawful for business men in any customhouse port in this country to send a certified check in lieu of gold, or any of these forms of money, except that it includes the notes of national banks to be receivable for customs and internal taxes.

Mr. UNDERWOOD. I do not understand the bill in that way. As far as the certified check is concerned I have no objection, but I do object to clause 2, and without the gentleman is willing to strike out clause 2, I shall be compelled to object, because I say it weakens the power of this Government to meet its securities payable in gold.

Mr. STAFFORD. Mr. Speaker, I would like to ask the gentleman if he strikes out clause 2, if it would not be necessary to strike out section 3, the repealing clause. I would like to call his attention to the existing law as to the character of coin or currency in which duties now should be paid. Section 3009 of the Revised Statutes is as follows:

SEC. 3009. All duties upon imports shall be collected in ready money, and shall be paid in coin (or coin certificates) or in United States notes, payable on demand, authorized to be issued prior to the 25th day of February, 1862, and by law receivable in payment of public dues.

Mr. MANN. Mr. Speaker, I demand the regular order.

The SPEAKER pro tempore. Is there objection to the consideration of this bill?

Mr. UNDERWOOD. I object.

POCATELLO NATIONAL FOREST RESERVE.

The next business was the bill (S. 9566) to reserve certain lands and to incorporate the same and make them a part of the Pocatello National Forest Reserve.

The Clerk read the bill, as follows:

Be it enacted, etc., That the following-described lands, to wit, sections 3, 4, 5, 6, 7, 8, and 9, township 9 south, range 35; section 22, township 8 south, range 34; and section 1, township 9 south, range 34, all in Bannock and Oneida Counties, Idaho, be, and the same are hereby, reserved and withdrawn from entry and made a part of and included in the Pocatello National Forest Reserve.

The SPEAKER pro tempore. Is there objection?

Mr. FITZGERALD. Reserving the right to object, I desire to know how many acres there are in the forest reserves now in Idaho.

Mr. HAMER. Mr. Speaker, we have about 50 per cent of the surface area of Idaho in forest reserves at the present time, but the reservation proposed by the bill now under consideration is absolutely necessary to preserve the purity of the water supply of the city of Pocatello.

Mr. FITZGERALD. Fifty per cent of the State of Idaho is now in forest reserves?

Mr. HAMER. Yes.

Mr. FITZGERALD. The gentleman and other representatives in another body have been condemning everybody connected with the Federal administration for the policy of creating forest reserves in his State, has he not?

Mr. HAMER. In that event, the gentleman certainly ought not to object when I ask for additional area to be included in

the forest reserves. It may be an indication of reformation on my own part.

Mr. FITZGERALD. In view of the gentleman's own statements in the past, unless he can give a very conclusive reason for adding to the already great burdens of the people of his State in this way, I will be compelled to protect them, even if he is not likely to do so.

Mr. HAMER. The best reason that I can give, Mr. Speaker, is that the inclusion of these lands in forest reserves is absolutely necessary for the protection of the water supply of the city of Pocatello, as the gentleman will find from reading the report of the Forester, who approves of this legislation.

Mr. PARSONS. Is this timbered land?

Mr. HAMER. Part of it is and part is not.

Mr. PARSONS. None of it heavily timbered?

Mr. HAMER. No.

Mr. PARSONS. But this is a living instance of where the people do want some land to go into the National forest reserve of the State of Idaho, even though it is not heavily timbered?

Mr. HAMER. Yes.

Mr. PARSONS. And some of it not timbered land?

Mr. HAMER. Yes; this is one of the isolated cases.

Mr. FITZGERALD. What about the homestead rights that have been acquired on this land?

Mr. HAMER. They will not be interfered with in any way.

Mr. FITZGERALD. Will the gentleman agree never again to criticize the creation of forest reserves in his State, if this bill goes through by unanimous consent? [Laughter.]

Mr. HAMER. I can not take such a solemn obligation at this time. [Laughter.]

Mr. FITZGERALD. This is about the only timbered land in the State of Idaho, is it not—these 5,000 acres?

Mr. HAMER. No, indeed.

Mr. FITZGERALD. Has not the complaint of the gentleman been that the administration has not been segregating forest land, but segregating large tracts of land without any timber, under the pretense that they were required to create forests in the future?

Mr. HAMER. Yes; that has been the criticism out there to some extent, but it is not the criticism in this particular case, and, so far as the people of Idaho are concerned, there is no criticism.

Mr. FITZGERALD. Reading this report, the inference is quite reasonable that this is one of the best pieces of timber land in the State of Idaho. Is not that a fact?

Mr. HAMER. No. The gentleman is evidently not familiar with the timber of Idaho.

Mr. FITZGERALD. I will read what the report says, if the gentleman denies that statement:

The topography of this area is high, rolling land, with an altitude of from 6,000 to 8,000 feet. The forest is chiefly of the red fir type and embraces 1,500 acres of timber, which has an average stand of 3,000 feet to the acre—

Mr. HAMER. Yes; that is not heavy timber.

Mr. FITZGERALD (continuing)—

making approximately 4,500,000 feet b. m. in the proposed addition.

Is not that one of the best timbered sections of the State?

Mr. HAMER. Four million five hundred thousand feet would not be a very important timber acquisition.

Mr. FITZGERALD. In spite of the fact that 50 per cent of the gentleman's State has been included in the forest reserves, he is anxious to have this included?

Mr. HAMER. Under the circumstances, I am very anxious to have this included in the Pocatello Reserve.

Mr. MANN. It would be worth its passage to hold it up against him hereafter. [Laughter.]

Mr. FITZGERALD. Mr. Speaker, in view of the peculiar circumstances and the fact that the gentleman from Idaho not only approves but is attempting to include in the forest reserves in the State of Idaho lands never even contemplated by the administration, I will not object.

Mr. PARSONS. Mr. Speaker, reserving the right to object, I wish to ask the gentleman from Idaho whether this protects the water supply of the city of Pocatello.

Mr. HAMER. Yes; that is the purpose and desire.

Mr. PARSONS. They are dependent upon the forest reserve for protecting their water supply.

Mr. HAMER. Well, in part, they are. Their water supply undoubtedly rises up in these mountains there and it is necessary to protect it from sheep and other forms of contamination.

Mr. PARSONS. And if this gets into the national forest the administration of the forest will be such that the water supply of the city of Pocatello will be protected.

Mr. HAMER. That is the hope and expectation.

Mr. PARSONS. And the people there are confident it will be so.

Mr. HAMER. The people evidently desire this acquisition at this time in the hope that it will preserve from contamination their water supply.

Mr. MANN. If it had not been for a recent act of Congress or a provision in a recent act of Congress, which was inserted at the request of certain gentlemen from Idaho, there would be no necessity for this bill, I believe. The Government before that had the authority to make these reserves without any act of Congress.

Mr. HAMER. We would prefer, I will state to the gentleman from Illinois, at all times to have something to say as to what particular territory shall be included in these forest reserves, believing that perhaps the citizens of my State and the residents within its borders are abundantly able to determine what should be included in a forest reserve—more able, perhaps, than some people, say, from New York.

Mr. PARSONS. Mr. Speaker, I do not object.

Mr. MANN. Had it not been for recent legislation, which I will not say the gentleman from Idaho urged unless he desires to say so himself, but certain gentlemen from that part of the country urged, there would be no necessity for this legislation, and he would have no difficulty in providing what he is now seeking and in a way which he probably will not accomplish. However, this is a Senate bill—even the Senate retracts here what they said before.

Mr. FITZGERALD. The real effect of this bill is to saddle on the Federal Government the cost of preventing the water supply of this city in Idaho from being contaminated.

Mr. HAMER. Oh, no; I do not think that is the effect of the bill.

Mr. FITZGERALD. What other excuse is there?

Mr. HAMER. Will the gentleman from New York tell the House how it would be possible for the people of Pocatello to institute any regulations to prevent the contamination of this watershed by sheep when it is public land? The people of Pocatello are absolutely helpless so far as protection on this particular piece of ground is concerned, because it is largely public land. Of course there is some settlement on the public lands, but no part of it is in the corporation limits of the city of Pocatello. The only way it can be protected from contamination is by extending some Government regulations to the area in question.

Mr. FITZGERALD. Did it occur to the gentleman that perhaps his State could purchase this land through some law from the Federal Government? The State of New York purchased its forest reserve and watershed from private individuals.

Mr. HAMER. But the city of New York is a wealthy city and one of the oldest in the Nation, whereas Idaho is a young State.

Mr. FITZGERALD. It is not only wealthy but has the willingness to pay for the things it desires and does not come to the Federal Government for them.

Mr. HAMER. Of course it would be possible, and I would cheerfully agree, for the people of New York to take up a collection and present it to us, and we will accept it as a monument—

Mr. FITZGERALD. Is the gentleman inclined to accept the amendment suggested by the Secretary of the Interior?

Mr. HAMER. I propose to offer an amendment. It is to strike out the word "Reserve."

The SPEAKER pro tempore. Is there objection to the consideration of this bill? [After a pause.] The Chair hears none.

Mr. HAMER. Mr. Speaker, I move to amend by striking out the last word in line 10, so as to read "Pocatello National Forest" instead of "Pocatello National Forest Reserve."

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Line 10, strike out the word "Reserve."

Mr. MONDELL. Mr. Speaker, I offer the following amendment.

The SPEAKER pro tempore. Is there objection to the amendment? Does the gentleman from Wyoming [Mr. MONDELL] offer an amendment to the amendment?

Mr. MONDELL. I offer an amendment striking out the word "is."

The SPEAKER pro tempore. That is a separate amendment. The question is, first, on the amendment offered by the gentleman from Idaho [Mr. HAMER].

The question was taken, and the amendment was agreed to.

Mr. MONDELL. I offer an amendment to strike out the word "is," in line 8, and insert the word "are."

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Line 8, strike out "is" and insert in lieu thereof the word "are," so as to read "the same are hereby."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

Mr. MONDELL. Mr. Speaker, a moment on my amendment. There has been considerable said about this legislation, as if there were something extraordinary about it. Gentlemen have expressed surprise that the American people, or any portion of them, should prefer to have Congress legislate rather than to have a bureaucratic organization—an executive official somewhere, the fourth secretary of somebody—conduct their affairs. It seems to me it is not extraordinary that people living under a free government in an American Commonwealth should prefer to have the legislative body of the United States legislate for them rather than to have their affairs looked after and conducted by a bureau somewhere. So much for that.

Gentlemen have suggested that it is remarkable that a request should be made for the inclusion of this sort of land in a forest reserve. The law providing for forest reserves provides for the inclusion of lands timbered and necessary for the protection of water supplies, so that these lands are clearly within the purview of the forest-reserve law and therefore properly brought within the reserve. And my opinion is that this is the wise, proper, and reasonable way to add to reservations in the States.

Mr. MANN. Will the gentleman yield for a question?

Mr. MONDELL. I will be glad to do so.

Mr. MANN. This bill was reported from the gentleman's committee, I believe.

Mr. MONDELL. It was.

Mr. MANN. I understood the gentleman from Idaho [Mr. HAMER] to state that the purpose of this bill was to keep sheep off this land in order to protect the water supply for the city of Pocatello.

Mr. HAMER. That is one of the purposes.

Mr. MONDELL. One of the ways in which the water supply is preserved and protected is by preventing overgrazing, and the keeping of sheep off this particular territory would, I presume, in the opinion of the people interested, prevent the contamination of the water.

Mr. MANN. The gentleman knows that this proposition means that at the expense of the Government this piece of land is to be maintained from overgrazing and in order to furnish a water supply at Pocatello, not at the expense of the city of Pocatello, but at the expense of the Federal Government.

Mr. MONDELL. But the gentlemen who have been favorable to the inclusion in reserves of hundreds of millions of acres have considerable to say about a suggestion to include in a reserve 5,000 acres of timbered land.

Mr. MANN. But we have not objected to the consideration of the bill, nor do we object to the passage of the bill; but we take some exception to some of the reasons given by the gentleman for now coming up and proposing to revoke a law that a few years ago he was ardently seeking to have passed.

Mr. MONDELL. None of the gentlemen are proposing to revoke that law, but they think that the proper and orderly way to arrange these matters is to have the Congress of the United States legislate in regard to them.

Mr. PARSONS. And that it is proper to put the lands in a national forest so that the water supply of the city can be properly protected?

Mr. MONDELL. The forestry law, the law of the land, provides for the inclusion of lands protecting water supplies within a forest reserve. And therefore they may properly be placed in a reserve.

A gentleman, the other day, suggested we should include the lands in a reserve that were not timbered and not needed for the protection of water supply. Of course they could not be placed in a reserve legally.

Mr. PARSONS. That is not what the gentleman said. What the gentleman said and pointed out in connection with this bill was that there were a number of bills pending—

The SPEAKER pro tempore. Does the gentleman from New York wish to be heard in opposition to the amendment?

Mr. PARSONS. I wish to point out that there are a number of bills pending to take lands out of the national forest and give them to cities that want a water supply, whereas the forestry service has a system by which, if lands are left in the national forest, it administers them in such a way that they can be properly forested, and such lands as are proper for grazing can be grazed and the water supply be protected without trans-

ferring the title to the city and giving the city the right to cut all the timber, which it would have if it got the title.

Mr. MONDELL. The gentleman from New York is not quite accurate. This inclusion of land in the forest reserve is helpful and beneficial to a certain extent, but in cities of any size they prefer to own their own watershed and take care of it, and in doing so there can be no question but that the Government is relieved from any responsibility to protect the water supply.

Mr. PARSONS. Is not the water supply in Portland, Oreg., in a national forest?

Mr. MONDELL. The water supply of a good many cities is, to a greater or less extent, in national forests, but cities generally prefer to buy the land.

Mr. HUGHES of New Jersey. Mr. Speaker, if the gentleman will permit me, as I gather, the gentleman from Wyoming, and certain other gentlemen on that side, are of the opinion that national forest reserves should not be created except when the gentlemen in the immediate vicinity want them created. Is not that correct?

Mr. MONDELL. No; I have not taken exactly that position. I think no forest reserve should be created except under and within the law, and I do think that the people in the locality should be consulted in all cases.

Mr. FITZGERALD. Has the Department of the Interior the authority under existing law to include this particular land?

Mr. MONDELL. No; there is a general law prohibiting the increase of the area of reserves in particular States.

Mr. FITZGERALD. Idaho is included in those States?

Mr. MANN. Yes; by an act passed in 1907.

Mr. FITZGERALD. The ink on the act is hardly dry before Idaho itself tries to repeal it and wants it increased.

Mr. MONDELL. Well, three years is quite a time.

The SPEAKER pro tempore. The question is on the amendment.

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

Mr. HAMER. Mr. Speaker, I move to strike out the last word in the title.

The amendment was agreed to.

EXTENSION OF EXTRADITION LAWS.

The next business on the Unanimous Consent Calendar was the bill (H. R. 24746) to extend the extradition laws of the United States to China.

The Clerk read the bill, as follows:

Be it enacted, etc., That the provisions of sections 5270 to 5277, inclusive, of the Revised Statutes of the United States, with amendments thereto, shall apply to the jurisdiction of the United States in China for the arrest and removal therefrom of any citizen of the United States who is a fugitive from justice charged with or convicted of the commission within the jurisdiction of any foreign government or power of any of the crimes provided for by the treaties between the United States and such foreign government or power, and for the delivery by a foreign government of any citizen of the United States charged with or convicted of crime within the jurisdiction of the United States in China: *Provided,* That the provisions of this section shall not be effective as regards any foreign government until the President of the United States shall have been duly informed that the foreign government to which it is proposed to extradite a citizen of the United States has made adequate provision for reciprocal extradition of citizens of the United States seeking asylum therein to the jurisdiction of the United States in China: *And provided further,* That the President shall have made proclamation that provision has been made for such reciprocal right of extradition by the foreign government in question, and that the provisions of this section are therefore in force as regards such foreign government.

Such fugitive from the justice of a foreign government aforesaid may, upon a warrant duly issued by an official of the United States in China vested with judicial authority, and agreeably to the usual mode of process against offenders therein, be arrested and brought before such official, who shall proceed in the matter in accordance with the provisions of the Revised Statutes hereby made applicable to the jurisdiction of the United States in China.

For the purposes of this section, the order or warrant for delivery of a person committed for extradition prescribed by section 5272 of the Revised Statutes of the United States shall be issued by the minister of the United States to China, or in his absence the chargé d'affaires, under his hand and seal of office, and not by the Secretary of State.

Such fugitive must be delivered within two calendar months to the authority making the request for a surrender, unless causes have arisen which are sufficient, in the opinion of the authority competent to make the surrender, to justify the extension of the period of commitment for surrender; but such extension shall in no case exceed an additional period of four months.

Sec. 2. That the provisions of section 1014 of the Revised Statutes of the United States, so far as applicable, shall apply throughout the United States or to any territory or country governed, occupied, or controlled by the United States, for the arrest and removal therefrom to the jurisdiction of the United States court in China of any citizen of the United States who is a fugitive from justice charged with the commission of any crime or offense against the United States within the jurisdiction of the United States in China, and shall apply within the jurisdiction of the United States in China for the arrest and removal therefrom to the United States, or to any territory or country gov-

erned, occupied, or controlled by the United States, of any citizen of the United States who is a fugitive from justice charged with the commission of any crime or offense against the United States. Such fugitive may, by any official of the United States in China vested with judicial authority and agreeably to the usual mode of process against offenders therein, be arrested and imprisoned or admitted to bail, as the case may be, pending the issuance of a warrant for his removal to the United States, which warrant it shall be the duty of a judge of the United States court for China seasonably to issue, and of the officer or agent of the United States designated for the purpose to execute.

SEC. 3. That the provisions of sections 5278 and 5279 of the Revised Statutes of the United States, so far as applicable, shall apply to the jurisdiction of the United States in China, which, for the purposes of said sections, shall be deemed a territory within the meaning thereof: *Provided*, That for the purpose of this section the executive authority of the jurisdiction of the United States in China shall be the minister of the United States to China, or in his absence the chargé d'affaires: *And provided further*, That the provisions of this paragraph shall apply only to citizens of the United States.

SEC. 4. That the provisions of sections 5270 to 5277, inclusive, of the Revised Statutes of the United States, with amendments thereto, shall be extended so as to include within the terms and meaning thereof the extraterritorial jurisdiction in China of any foreign government with which the United States has concluded or may conclude an extradition treaty for the arrest and removal thereto of persons who, being citizens or subjects of such government and having been convicted of or charged with any of the crimes specified in the extradition treaty existing between such foreign government and the United States committed within the extraterritorial jurisdiction of such foreign government in China, shall seek an asylum or be found within the jurisdiction of the United States or within any territory or country governed, occupied, or controlled by the United States, and for the delivery by such foreign government of its citizens or subjects who have been convicted of or charged with any of the crimes specified in the extradition treaty existing between such foreign government and the United States, committed within the jurisdiction of the United States or within any territory or country governed, occupied, or controlled by the United States, who shall seek asylum or be found within the extraterritorial jurisdiction of such foreign government in China: *Provided*, That the provisions of this section shall not be effective as regards any foreign government until the President of the United States shall have been duly informed that the foreign government to which it is proposed to extradite the citizens or subjects of such foreign government has made adequate provision for reciprocal extradition of citizens or subjects of such foreign government seeking asylum therein to the jurisdiction of the United States in China: *And provided further*, That the President shall have made proclamation that provision has been made for such reciprocal right of extradition by the foreign government in question and that the provisions of this section are therefore in force as regards such foreign government.

SEC. 5. That when, under sections 2 and 3 of this law, it is desired to obtain the provisional arrest and detention of a fugitive in advance of the presentation of formal proofs, such detention may be obtained by telegraph upon the request of the authority competent to request the surrender of such fugitive, addressed to the authority competent to grant such surrender: *Provided*, That such request for provisional arrest and detention be accompanied by an express statement that a warrant for the fugitive's arrest has been issued within the jurisdiction of the authority preferring such request charging the fugitive with the commission of the crime for which his extradition is sought to be obtained: *And provided further*, That the expenses of detaining a fugitive upon telegraphic request shall be borne as provided for in sections 5278 and 1014 of the Revised Statutes: *And provided further*, That no person shall be held in custody under telegraphic request by virtue of the provisions of this section for more than 90 days.

SEC. 6. That the provisions of sections 5409 and 5410 of the Revised Statutes of the United States are hereby made applicable to proceedings in extradition instituted in accordance with the provisions of this act.

SEC. 7. That the terms "citizen of the United States" and "citizens of the United States" used in this act shall for the purposes of this act include any person or persons whose permanent allegiance is due to the United States.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. HARRISON. Mr. Speaker, reserving the right to object, I would like to ask the gentleman a question. This is an extension of the extraterritorial powers of the United States in China?

Mr. DENBY. It is to extend the extradition laws in China.

Mr. HARRISON. And trust the execution of them to the extraterritorial courts in China?

Mr. DENBY. Yes.

Mr. HARRISON. Does the gentleman think the House of Representatives has the right to originate any legislation in the nature of a treaty?

Mr. DENBY. This is not a treaty.

Mr. HARRISON. What powers have we to enforce it?

Mr. DENBY. We have the same power to enforce this as we have to enforce the powers of the United States court now existing in China. It is a mere extension of the power of the United States court and other officials in China.

Mr. HARRISON. It is the power of might. Is not that all?

Mr. DENBY. There is no extradition treaty with China. It is the power by acquiescence of the Chinese Government.

Mr. HARRISON. Do they acquiesce or have they been consulted at all?

Mr. DENBY. Yes; they acquiesce, because they have acquiesced in similar exercise of power by other Governments, of this same character.

Mr. HARRISON. The gentleman does not know whether they would regard this as an unfriendly act?

Mr. DENBY. I know as a matter of moral certainty that they would regard it as a highly friendly act on the contrary.

Mr. HARRISON. Do we have these extradition rights in other extraterritorial countries?

Mr. DENBY. We have the general exercise of power of extradition as a matter of international comity, simply asking the country in which we exercise extraterritorial jurisdiction to render up a fugitive as a courtesy.

Mr. STAFFORD. Mr. Speaker, I reserve the right to object. I would like to ask the gentleman from Michigan whether we have any extradition treaty at present covering the powers in this bill.

Mr. DENBY. No; we have no extradition treaty at all with China; and that has occasioned great embarrassment which makes this bill necessary, because we can not secure the person of a fugitive who commits a crime in China and goes to the United States, and we can not secure the person of a fugitive who commits a crime in the United States and goes to China.

Mr. STAFFORD. What prevents our Government entering into an extradition treaty with China covering these powers?

Mr. DENBY. The fact that we do not concede to China the right to lay a finger on an American citizen, and therefore we could not ask China as a matter merely for our interest to promise to secure the person of American citizens and send them back to the United States. We reserve wholly the power to touch our own citizens in China, and that is inconsistent with negotiation of an extradition treaty.

Mr. STAFFORD. This bill extends to others than American citizens?

Mr. DENBY. Yes.

Mr. STAFFORD. To foreign citizens who have committed crimes in this country and take refuge in China, and to those who have committed crimes in China and who take refuge in the United States?

Mr. DENBY. Yes.

Mr. STAFFORD. As to those classes there is nothing that would prevent our Government entering into an extradition treaty with China.

Mr. DENBY. As to those classes, we do not need the extradition treaty with China. We do, however, have an agreement with foreign powers that they will reciprocate the privileges which we extend to them in this law, and the law specially provides that it is not to be operative until the foreign powers guarantee to us the same privilege that we grant to them here.

Mr. STAFFORD. Is there any other instance where the Government exercises extraterritorial powers as are proposed to be exercised by this bill?

Mr. DENBY. The Government exercises extraterritorial powers in Morocco, and it did in Korea until Korea became a possession of Japan, and it does in Turkey and in Persia and in Siam and a modified power in Egypt. That is, we have a court in Egypt, but in all the oriental countries, practically speaking, we exercise the extraterritorial power, and none of them may punish or lay a finger upon an American citizen. The result is that a crime is committed and the citizen flies to China and he can not be punished. We have had some very striking examples of the necessity for this legislation. A murder was committed in Hongkong, under the British Government, and the man fled to China, an American citizen killing an American citizen. We had no right to touch him. The British Government made demand on us, but we could not touch him. We did eventually secure the person of the murderer in Manila, and then the extradition laws of the United States with Great Britain became operative and we surrendered him from Manila, but if he had remained in China he would have remained at large, a menace to the community.

The SPEAKER pro tempore. Is there objection to the consideration of this bill?

Mr. HUGHES of New Jersey. Mr. Speaker, reserving the right to object, I would like to ask the gentleman whether this language on page 2, beginning with the words "such fugitives," to the end of the section, contemplates the trial of the fugitives before the officer.

Mr. DENBY. I did not catch the gentleman's question; will he kindly repeat it?

Mr. HUGHES of New Jersey. On page 2, beginning with the words "such fugitives," line 16, which prescribes some form of procedure before the United States representative in China, I would ask the gentleman whether that procedure contemplates the trial of the offender before the officer, or what does the following language mean?

Mr. DENBY. It contemplates an investigation of the question before the district judge in China, the United States judge in China.

Mr. HUGHES of New Jersey. There is no chance for the judge to try a man for his life?

Mr. DENBY. There is a chance in China, but not under this act. Of course the judge in China has full authority and jurisdiction over American citizens and may try them for their lives, and they have been so tried; that is, for a crime committed within the jurisdiction of his court.

Mr. HUGHES of New Jersey. But not a fugitive from this country?

Mr. DENBY. No; he can only try, as in this country, the question of extraditability.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

SALE OF BURNT TIMBER ON THE PUBLIC LANDS.

The next business on the Calendar for Unanimous Consent was the bill (S. 9957) to authorize the sale of burnt timber on the public lands, and for other purposes.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized, under such rules and regulations as he may prescribe, to sell and dispose of to the highest bidder, at public auction or through sealed bids, timber on lands of the United States, outside of national forests, that may have been killed or damaged by forest fires prior to December 1, 1910, the proceeds of the sale of such timber on lands within the States and Territories named in section 1 of the act entitled "An act appropriating the receipts from the sale and disposal of public lands in certain States and Territories to the construction of irrigation works for the reclamation of arid lands," approved June 17, 1902, shall be deposited in and form a part of the "reclamation fund" described in said section, and the proceeds of such timber on lands in other States and Territories than those named in said section shall pass into and form a part of the general funds of the Treasury.

SEC. 2. That the Secretary of the Interior, under regulations to be prescribed by him, is hereby authorized, upon application by the claimant, to sell or permit the sale of timber killed or damaged by forest fires prior to December 1, 1910, on any lands of the United States embraced within any lawful filing, selection, location, entry, or appropriation substituting on the 1st day of December, 1910: *Provided*, That timber on such lands within the exterior boundaries of national forests shall be disposed of under joint regulations prescribed by the Secretary of Agriculture and Secretary of the Interior. All moneys arising from sales of timber in accordance with such regulations and coming into the hands of officers or agents of the United States shall be deposited in the Treasury of the United States as a special fund, to be designated the "Burnt timber fund."

SEC. 3. Any settler or entryman under the homestead laws who has complied with the laws and regulations prior to the time of the fire, and who at the date of application for the sale has not abandoned his claim, shall be paid an amount which shall bear the same proportion to the total amount received from the sale of timber from his claim which his residence on the land bears to the total residence required by law, such payment to be made by the Secretary of the Treasury from the special fund provided for in section 2 upon the certificate of the Secretary of the Interior that such settler or entryman is entitled thereto: *Provided*, That the remainder of the amount received from the sale of timber on his claim shall be paid to such settler or entryman from such special fund by the Secretary of the Treasury whenever the Secretary of the Interior shall certify that such settler or entryman has established his right to a patent for the land from which such timber was sold.

SEC. 4. Whenever the Secretary of the Interior shall certify to the Secretary of the Treasury that a right to a patent for the tract from which the timber has been sold under the provisions of this act has been established by any claimant or entryman under any of the public land laws other than the homestead laws, then the Secretary of the Treasury shall pay to such claimant or entryman, from the special fund provided for in section 2, the amount arising from the sale of such timber.

SEC. 5. Whenever any filing, selection, location, entry, or appropriation shall be canceled because of failure of claimant to perfect title in accordance with the provisions of law governing the same, the proceeds from the sale of timber on such claim shall, if upon lands in a national forest, be disposed of as proceeds from other sales of timber within national forests, and, if upon public lands within the States and Territories named in section 1 of the act entitled "An act to appropriate receipts from the sale and disposal of public lands in certain States and Territories to the construction of irrigation works for the reclamation of arid lands," approved June 17, 1902, shall be deposited in and form a part of the "reclamation fund" described in said section, and if upon other public lands the proceeds shall pass into and form a part of the general funds of the Treasury.

The committee amendments were read, as follows:

After the comma after the word "forests," in line 7, page 1, insert: "not covered by a valid subsisting selection or entry made prior to December 1, 1910."

After the word "or," at the end of line 7, insert "seriously."

In section 2 strike out the words "sell or" in line 7.

In line 8, after the word "or," insert "seriously."

Strike out the following words in lines 10 and 11: "lawful filing, selection, location, entry, or appropriation subsisting on," and insert in lieu thereof the following words: "valid subsisting selection or entry made prior to."

Strike out all of lines 16, 17, 18, 19, and 20, page 2.

Strike out all of sections 3, 4, and 5.

The SPEAKER pro tempore. Is there objection to the consideration of this bill?

Mr. MARTIN of South Dakota. Mr. Speaker, reserving the right to object—

Mr. FITZGERALD. Mr. Speaker, reserving the right to object—

Mr. MANN. So do I.

Mr. MARTIN of South Dakota. Mr. Speaker, I would ask the gentleman from Wyoming—I notice that this bill provides for the sale of burnt timber in cases where timber was burnt prior to a certain date, December 1, 1910. Of course I am aware that timber fires in the West, particularly the far West, were more numerous and extensive in the last year than usual. I would like to suggest to the gentleman whether the same considerations that would make this bill desirable would not suggest that the law be made general, and that these limitations in the bill to a certain date, December 1, 1910, should be by amendment stricken out.

Mr. MONDELL. I will say to the gentleman that I think he realizes the danger of the suggestion that he makes. If everybody was honest, if everybody proceeded always in good faith, it would be perfectly safe to provide for the sale of timber fire killed hereafter, but it is not wise to tempt men to set fires; the committee has often considered that particular question, and the members of the committee have always felt that it was dangerous to tempt men to cause forest fires by providing generally for the sale of fire-killed timber.

Mr. MARTIN of South Dakota. Of course in practical experience there is not a season which passes but that there are forest fires more or less extensive, and under the administration of that question, the timber in many instances, in fact, in most instances, is allowed to entirely rot and become of no value, whereas if there were the authority to dispose of it in a proper way it would be a great saving. At the same time I appreciate the force of the gentleman's suggestion and would not object to the consideration of this bill because of that limitation. Now I would ask a further question. Upon page 1, the amendment inserted by the committee limits the authority of the Secretary of the Interior to lands not covered by valid subsisting location and entry, and very properly, I think. Upon page 2, in section 2, provision is made, notwithstanding, that the Secretary in case where fires have taken place upon valid entries, may permit the sale of timber upon such entries, a provision which I think is very wise; but the gentleman will notice whereas in the first section the word "location" is inserted, in the second section where it gives authority to the Secretary to give permission, the word "location" is left out. I think the word "location" should be inserted after the word "selection" in section 2.

Mr. MONDELL. I will say to the gentleman that the use of the word "location," in line 8, page 1, is an error made in transcribing the amendment. The words should have been "selection" or "entry." Those are the words that we use in section 2.

Mr. MARTIN of South Dakota. What is intended to be covered by the word "selection?"

Mr. MONDELL. A valid selection by a State under a grant or a selection in lieu of other lands, which give the selector a right to the property, and is in the nature of an entry whenever full compliance with the law has been had.

Mr. MARTIN of South Dakota. I think the word "location," in the first section, should remain there, and also be inserted in the second section. As the gentleman well knows, the preliminary title that is held to the homestead is expressed by the word "entry," and when we speak of a homestead entry we speak of lands that the title has been initiated, but not passed to final proof or patent. The preliminary title to a mining claim is expressed by the word "location." There is the same reason for authority in the Secretary of the Interior to make the sale of timber upon mineral lands not covered by valid mining locations and permit the sale in cases covered by valid mining locations that would apply to agricultural lands when covered by an invalid in one instance and a valid homestead entry in the second instance.

I know of cases now where fires have gone over the forest where valid mining locations existed. Under the law the mining locator is expected, until he obtains his patent, not to cut his timber except for the purpose of timbering his mine. When he gets his patent he has complete control over the timber and everything else. I know instances where fire has gone over valid mining claims—

Mr. MONDELL. If the gentleman will allow me, we all agree—

Mr. MARTIN of South Dakota (continuing). And the controversy arises right away as to the authority to permit the sale of the timber thus damaged by fire, or whether it must stay there unused till perhaps it is of no value.

Mr. MONDELL. Now, I want to say to the gentleman that there is not any question about the provision of the bill, providing it is amended as I suggest, in regard to the matter he refers to. It was not the intention of the committee to author-

ize the owner of a mining location to secure the right to cut the dead timber on his location, under section 2.

I desire to call the gentleman's attention to the fact that we are now acting upon a Senate bill. And the thought of the committee was to carry out the desire of the Interior Department with regard to the matters involved and to meet the views of the other branch of Congress so far as we could, and at the same time get legislation that would be fair and reasonable. The bill as it came to us provided that the Secretary of the Interior could only cut timber from land entirely free from all sorts of entries, locations, filings, and appropriations. In other words, under the legislation as it came to us from the Senate the Secretary could only cut timber, or allow timber to be cut, on unentered, unclaimed public lands on which no sort of a claim had been made.

Then, section 2 of the Senate bill provided that the Secretary could, however, provide for the cutting of timber on all lands entered, selected, located, and appropriated, but the money received went into a "burned timber fund," and in the case of a homestead entryman they had a complicated system of bookkeeping whereby the homestead entryman should receive the proportion of the money received from the sale of timber on his homestead that the length of time he had lived on his homestead bore to the entire five years which he must live there.

Now, these provisions, it seemed to us, were illogical in this, that while the Secretary could not on his own motion cut the timber from land contained in a location or an appropriation, which might mean a piece of land that had been claimed by any sort of shadow of claim or right, he could get somebody's permission to have it cut, but the funds arising from the sale went into the Treasury just as though he had cut the timber from unclaimed land on his own motion.

Now, this is the theory of the House bill, that except on lands covered by homestead entry or a State selection or any other selection which is in the nature of an entry, the validity of which can be quickly determined by the department, that except on those lands the Secretary has the right to cut the dead timber from all classes of the lands. In other words, where they are still Government lands not covered by a claim that is in the nature of an entry, the Secretary shall have the right to cut the timber, and the money arising from the cutting of such timber shall flow into the National Treasury.

But, on the other hand, that land covered at the time of these fires, not now, not in the future, but at the time of the fires, by an entry, a homestead entry or a valid selection which is in the nature of an entry, that as to those lands the claimant had acquired such a right or title that he ought to be given an opportunity to have the timber cut for his benefit, and therefore we simply provide that the Secretary may allow him to cut—it is discretionary with the Secretary—allow him to cut under rules and regulations which the Secretary is to provide.

That is the theory of the House bill. The House committee did not believe that in the great territory yonder, burned over by forest fires last year, the man who had simply asserted a claim, which might never ripen into an entry, should be allowed the proceeds of the timber cut upon land so claimed. But, on the other hand, we did not think we ought to pursue the round-about process of the bill as it came to us, under which the Secretary must go to the man and get his permission and have the timber cut, and after getting his permission keep the proceeds.

Mr. MANN. Will the gentleman from Wyoming yield?

Mr. MONDELL. Certainly.

Mr. MANN. The gentleman understands that he has now occupied 20 minutes on this bill and to-day was set apart especially for suspensions under the rule.

Mr. MONDELL. I want to say that neither the bill as it came from the Senate nor as reported from the House would authorize a locator of a mining claim to have the timber cut from his claim and receive the proceeds. Neither committee seems disposed to do that, and if the gentleman from South Dakota insists on that, it would mean that we would not have any legislation at all, because the legislation did not come to us in that form.

Mr. MARTIN of South Dakota. The legislation came to the committee in the form that a valid mining claim location and a valid homestead entry would be on the same basis.

Mr. MONDELL. If the gentleman will read section 2 he will find that is not so at all; they are on the same basis, so far as the manner of cutting is concerned, but by the terms of the Senate bill the homestead entry would receive part of the proceeds and the mining locator none.

Mr. MARTIN of South Dakota. Both in the same position.

Mr. MONDELL. He will find that after the timber was cut from it the locator did not receive a penny of it.

Mr. MARTIN of South Dakota. That proposition I should oppose, and I should oppose just as strenuously taking the property from a valid mining locator and passing it over to the Government. There is no higher title than a valid mining location, except a patent.

The SPEAKER. Does the gentleman from South Dakota object?

Mr. MARTIN of South Dakota. If the gentleman will consent, at the end of line 18, page 2, to insert the word "location," I will not object. Otherwise I shall object.

Mr. COOPER of Wisconsin. Will the gentleman yield?

Mr. MONDELL. Certainly.

Mr. COOPER of Wisconsin. Has there ever been any other bills passed that provided for the sale of timber, except dead and down timber? Have the words "damaged timber" ever been in a bill before?

Mr. MONDELL. The words "dead and down timber" have not proved very happy in their operation in law always.

Mr. COOPER of Wisconsin. As the bill came from the Senate it provided for "damaged timber."

Mr. MONDELL. We say "seriously damaged."

Mr. COOPER of Wisconsin. Under that language they could cut live timber.

Mr. MANN. The Forest Service has to pass upon it.

Mr. STAFFORD. Mr. Speaker, I would like to ask the gentleman a question as to the special reclamation fund in section 1.

Mr. MONDELL. It provides that the sums received from the sale of timber shall fall into the reclamation fund, just as the funds from the sale of land do.

Mr. STAFFORD. What provision is made here for the expenses borne by the Secretary of the Interior in cutting this land to be charged up against the persons who have some claim to the damaged timber?

Mr. MONDELL. The administration of the law and the expenditures under it would be paid out of the general appropriations. The Government would be to no expense with regard to the cutting of timber on the lands belonging to individuals.

Mr. STAFFORD. Why not?

Mr. MONDELL. All the Secretary has to do is to grant them the right to cut the timber on their lands or refuse to do so.

Mr. STAFFORD. Will the gentleman explain what right the Government has to take and cut timber on Government lands outside of the forest reserves?

Mr. MONDELL. There is no law providing for the sale of timber on public lands.

Mr. STAFFORD. Has the Government any authority to cut down any dead timber?

Mr. MONDELL. No authority now.

Mr. MANN. Mr. Speaker, the discussion of this bill has shown it is too important to pass in this way. Therefore I object.

The SPEAKER pro tempore. Objection is heard.

PAYMENT OF IMPORT DUTIES, ETC., BY CERTIFIED CHECKS.

Mr. HILL. Mr. Speaker, I ask unanimous consent to recur to the bill (H. R. 30570) relating to the payment of import duties, and so forth, by certified checks, which was laid aside a few moments ago. I think that all objections to it have been met, and there will not be the slightest objection to the provisions of the bill as amended.

Mr. SLAYDEN. Mr. Speaker, in recurring to a bill that has been laid aside, it is entirely probable that great detriment will be done to the balance of this calendar.

Mr. HILL. It will not take more than five minutes.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. HILL. Mr. Speaker, I offer the following amendments, which I send to the desk and ask to have read.

The Clerk read as follows:

Amend, in line 5, page 1, after the word "banks," by inserting the words "State banks and trust companies."
Strike out section 2 and section 3, and renumber section 4 as section 2.

Mr. HILL. That covers all objections.

The SPEAKER pro tempore. The question is on the amendments.

The question was taken, and the amendments were agreed to.

The SPEAKER pro tempore. The question now is on the committee amendments.

The committee amendments were agreed to.

Mr. BENNET of New York. Mr. Speaker, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 1, line 4, before the word "internal," strike out "and," and after the word "internal" insert the words "and immigration."

Mr. HILL. Mr. Speaker, that question was distinctly understood and discussed in the committee, and the committee did not care to enter upon that.

Mr. FITZGERALD. Mr. Speaker, I make the point of order that it is not germane. This is a bill providing a method for the payment of customs and internal revenue. This amendment attempts to include the head tax under the immigration law, and it clearly has nothing to do with it.

The SPEAKER pro tempore. The bill relates to duties on imports, and also to internal taxes, and the Chair thinks a third object, such as that referred to, might be inserted as an amendment and be germane to the section.

The Chair overrules the point of order.

Mr. SLAYDEN. Mr. Speaker, I would like to ask some explanation of the amendment offered.

Mr. MANN. We will vote it down.

Mr. SLAYDEN. I understood from the gentleman from Connecticut that this matter was brought up in committee and voted down, and now it is sprung here at the last moment, in the consideration of amendments that we were assured had been agreed to and would not consume the time of the House.

Mr. HILL. That is correct.

Mr. SLAYDEN. What is the object of the amendment?

Mr. BENNET of New York. Mr. Speaker, the object of this bill, as I understand it, is to relieve business men from the necessity of taking actual currency down to the customs houses and paying it over, when they could just as well pay with certified checks.

Mr. CLARK of Missouri. Is this the bill about certified checks? Well, it ought to pass without a dissenting voice.

Mr. BENNET of New York. There is paid into the custom-houses throughout the country during the year about \$4,000,000 in head taxes, so the argument that applies to custom duties applies to the head tax, and there is no reason under the shining sun why the men who are in this business and who have to take and cart this gold and silver down to the customhouse should not be relieved of that burden. All that this amendment does is to extend the provisions of the statute to the steamship people who pay \$4,000,000 a year, and I hope, therefore, the amendment will be agreed to.

Mr. HILL. Mr. Speaker, I have no authority to speak for the committee in regard to the matter. I would simply state to the House this, that the question of receiving this money from the steamship companies by certified check was not considered by the committee. The subject was brought up but it was not deemed wise to enter upon it and the House must act upon its own responsibility. My own judgment in regard to the matter is there ought to be a hearing upon this question, as there was upon the pending bill, and the wisest course to pursue is for the gentleman to offer his amendment before the Senate committee, where it can be heard and discussed, and not here on the floor of the House. At the same time, I personally have no objection to it, but I have no authority from the committee to act on the matter.

The SPEAKER pro tempore. The question is on agreeing to the amendment offered by the gentleman from New York.

The question was taken, and the Chair announced that the yeas appeared to have it.

Upon a division (demanded by Mr. BENNET of New York) there were—ayes 26, yeas 33.

So the amendment was rejected.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

HOMESTEAD ENTRIES, RED LAKE INDIAN RESERVATION, MINN.

The next business on the Unanimous Consent Calendar was the bill (H. R. 32222) authorizing homestead entries on certain lands formerly a part of the Red Lake Indian Reservation, in the State of Minnesota.

The Clerk read as follows:

Be it enacted, etc., That hereafter all lands ceded under the act entitled "An act to authorize the sale of what is known as the Red Lake Indian Reservation, in Minnesota," approved February 20, 1904, and undisposed of, shall be subject to homestead entry at the price of \$4 per acre, payable as provided in section 3 of said act, for all lands not heretofore entered; and for all lands embraced in canceled entries the price shall be the same as that at which they were originally entered: *Provided*, That where such entries have been or shall hereafter be canceled pursuant to contests, the contestant shall have a preference right to enter the land embraced in such canceled entry, as prescribed in the act of July 26, 1892.

The committee amendment was read, as follows:

Provided further, That all lands entered under this act shall, in addition to the payments herein provided for, be subject to drainage charges, if any, authorized under the act entitled "An act to authorize

the drainage of certain lands in the State of Minnesota," approved May 20, 1908.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. FERRIS. Mr. Speaker, I reserve the right to object.

Mr. STAFFORD. Mr. Speaker, I reserve the right to object. I would like to inquire of the gentleman having the bill in charge as to the reason why any of this land is withdrawn from entry and why the bill places \$4 as the minimum price when under the original act there was no limit at all upon the amount that should be paid for this land.

Mr. STEENERSON. Mr. Speaker, the original act, the act of February 20, 1904, provided that the land should be offered at public auction and subject to the homestead law; that is, the privilege of taking a homestead was put up at auction and sold, and some of this land sold at a very high price, and still the purchaser had to comply with the homestead law. This law provided that, after that auction sale was over, for a period of five years the land should be subject to homestead entry at \$4 an acre, and this unsold portion has been subject to homestead entry from 1904 until last summer. Then the law provided, after it had been open to homestead entry for five years and untaken, it could be sold at \$4 an acre without any homestead requirement, and the Secretary of the Interior was authorized to sell it; that is, he could sell to speculators at \$4 an acre, that being the minimum price. Some of this original tract of a quarter of a million acres embraced some wet land, and for that reason those lands have not been taken because too wet for agriculture. But since that time Congress passed an act authorizing drainage assessments under State laws, the same as privately owned land, and such improvements have been projected, and these will, it is believed, make these lands fit for settlers. The Secretary of the Interior, in view of this, withdrew the land and suspended sale thereof until Congress could pass appropriate legislation, and this bill is the result. The bill has been unanimously reported by the Committee on the Public Lands and is approved by the Interior Department.

Mr. HAMMOND. Will my colleague permit a question?

Mr. STEENERSON. I yield to my colleague.

Mr. HAMMOND. I have not the bill before me, but I understand that part of these lands will be opened for homestead settlement at \$4 an acre?

Mr. STEENERSON. That is true.

Mr. HAMMOND. And that other lands will be open for homestead settlers at a price per acre equal to that paid when original entry was made?

Mr. STEENERSON. That is true.

Mr. HAMMOND. Will the gentleman please explain the necessity for the difference in price?

Mr. STEENERSON. The bill as originally introduced did not make that distinction, but the Secretary of the Interior in recommending it suspected that somebody who had offered in 1904 at auction sale more than \$4 an acre and had not proved up might possibly relinquish his land and then buy it at \$4 an acre.

Mr. FITZGERALD. Will the gentleman yield for a question?

Mr. STEENERSON. There was no danger of that, because they have all proved up by this time, with very few exceptions.

Mr. FITZGERALD. This land was Indian land, was it not?

Mr. STEENERSON. It was Indian land.

Mr. FITZGERALD. And the proceeds are to go to the Indians?

Mr. STEENERSON. Yes.

Mr. FITZGERALD. And the tract was very valuable, and it was well known this land would bring more than \$4 an acre?

Mr. STEENERSON. It was sold for more. It was sold for as high as \$46.50. All of the land that was of any particular value was sold five years ago. This is the remnant. This is the swamps that have not been taken.

Mr. FITZGERALD. It is not swamps, because you would not get \$4 an acre for the swamp lands.

Mr. STEENERSON. They have been too wet for settlement.

Mr. FITZGERALD. Who is going to homestead on these swamps at \$4 an acre?

Mr. STEENERSON. They are proposing to build ditches that will reclaim them, and then we believe it will be fit.

Mr. FITZGERALD. Now, if this land is drained, it will be worth much more than \$4 an acre, will it not?

Mr. STEENERSON. Because of drainage—

Mr. FITZGERALD. The gentleman forgets this does not belong to the United States, but is land belonging to the Indian tribe, and the United States, as trustee, is to sell it and collect the proceeds for the benefit of these Indians.

Mr. STEENERSON. If the gentleman from New York will permit me to say, before any legislation on this subject was had,

Indian Inspector McLaughlin made a written agreement with these Indians to buy this quarter million of acres at \$4 an acre, or \$1,000,000, and Congress refused to appropriate the money outright; but it provided that the land should be sold as I have described. We have now realized \$1,074,879, so that when these 43,000 acres are sold at \$4 an acre the Indians will get a quarter of a million dollars more, approximately, than they agreed to take for them. It is to the interest of the Indians to have this bill pass, because by inducing settlers to go on the land in proximity to land that the Indians own it will enhance its value. The settlement and development of the country naturally enhances the value of the adjoining land. It is all the land is worth, anyway. The gentleman from Minnesota [Mr. VOLSTEAD], a member of the Committee on Public Lands, visited that region last year, and he says in his report on this bill that the price fixed as a minimum price is the price that similar land is offered for in that vicinity of similar character.

Mr. STEPHENS of Texas. Will the gentleman yield?

Mr. STEENERSON. Certainly.

Mr. STEPHENS of Texas. I would like to ask the gentleman if it would not be better to offer this land at public auction and let it bring whatever it is worth, and allow the people who desire to buy it to purchase it in 160-acre plats with the right then to homestead it.

Mr. STEENERSON. I do not think so, and the department is of the opinion it would be better to give it to homesteaders at \$4 an acre, which is all it is worth, and it will bring more than that way than if it were sold to speculators.

Mr. STEPHENS of Texas. Will the gentleman inform us why the department makes a difference between his State and the State of Oklahoma, where they have sold millions of acres of land at competitive sale and placed the burden of homesteading the land in connection with having to buy it at open auction?

Mr. STEENERSON. I am not familiar with conditions in Oklahoma, but I am satisfied the interests of the Indians are well protected in this bill, and there has been no tract of land ever ceded by Indians in the United States for which they have realized 25 per cent more than they agreed to take for it outside of this tract that is here in question.

Mr. STEPHENS of Texas. Why not permit them to sell the land to the highest bidder?

Mr. STEENERSON. We did have an auction sale on these lands for six months, and every piece of land that was desirable was sold to the highest bidder, subject to the homestead laws. After that it was open to homesteads for five years more at \$5 an acre. But these lands were in such a condition that no one up to date has been willing to take them, and then the law provided that they might be sold at auction to speculators, but it was thought that because of the prospective drainage improvements that settlers might be induced to take them instead of speculators, and that it would be for their benefit.

Mr. STEPHENS of Texas. The idea seems to be that the department wants to keep it out of the hands of the speculator. Could not they do it better by extending the homestead law to the land?

Mr. STEENERSON. The homestead laws have been applicable to the land for five years.

Mr. MANN. The regular order, Mr. Speaker.

The SPEAKER pro tempore. Is there objection to this bill?

Mr. FITZGERALD. Reserving the right to object, we want to make some inquiries.

Mr. MANN. I will withdraw the demand for the regular order.

Mr. FITZGERALD. How much will the land be worth an acre after the drainage proceedings instituted by the State?

Mr. STEENERSON. The idea is that they will be worth what it costs to drain them and what is paid to the Indians. It will cost \$4 or \$5 an acre to drain, and \$4 has to be paid to the Indians, so that a settler will have to pay about \$9 an acre.

Mr. FITZGERALD. Yes; but how much will it be worth?

Mr. STEENERSON. Well, it would not sell for any more than \$9, probably.

Mr. GOULDEN. If the gentleman will pardon me, this land is practically worthless now.

Mr. STEENERSON. Yes.

Mr. GOULDEN. Who proposes to do the draining?

Mr. STEENERSON. That is rather a complicated matter. It is done under State law by permission of an act of Congress. The amount proportioned to each tract is levied against the land. The paramount lien is the purchase price to the Indians—\$4—and then the cost of drainage assessment for the proposed ditch, which will be \$5 or \$6 an acre more. When it is all done, we expect settlers to take it.

Mr. GOULDEN. Is there any certainty that the drainage will be done so that the lands will be put on the market?

Mr. STEENERSON. I think there is a good prospect of it.

Mr. GOULDEN. How much land is there?

Mr. STEENERSON. About 43,000 acres. There was originally 250,000 acres, but something over 200,000 acres have been disposed of.

Mr. GOULDEN. And the gentleman thinks it is for the advantage of the Indians who own the land and who will receive the money?

Mr. STEENERSON. I think so. It is the unanimous report of the Committee on Public Lands, and is approved by the department.

Mr. FERRIS. Mr. Speaker, I was not present when this bill was considered in the committee, but it seems to me that the bill ought not to have been considered by the Committee on Public Lands, but should have gone to the Committee on Indian Affairs. Now, I want to ask the gentleman if he would have any objection to the insertion of three words in line 7, page 1, the words "not less than" after the word "of" and immediately preceding the word "four," so that it would read "not less than \$4."

Mr. STEENERSON. I have no objection to that.

Mr. FERRIS. It seems to me not at all necessary and not at all proper to say that 43,000 acres of land scattered indiscriminately over this Indian reservation should be sold for a fixed price of \$4 an acre. I take it there must be land there worth \$40 or \$50 an acre.

Mr. STEENERSON. Oh, no.

Mr. FERRIS. In 1904 some of these lands sold for as high as for \$4 up to \$40 an acre.

Mr. STEENERSON. They sold the best land. These lands have been open for homestead entry for five years and nobody would take them.

Mr. FERRIS. I take it that the improvement of the land that has been made renders the balance of it more valuable.

Mr. Speaker, I offer the amendment.

The SPEAKER pro tempore. The Clerk will report the amendment.

Mr. STEENERSON. I will accept the amendment.

The Clerk read as follows:

On page 1, line 7, before the word "four," insert the words "not less than."

The question was taken, and the amendment was agreed to.

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

ALIENS AND STOWAWAYS.

The next business was the bill (H. R. 32441) to amend the immigration law relative to aliens and stowaways.

The Clerk proceeded to read the bill.

Mr. MANN. Mr. Speaker, that is a rather long bill and a very important one, and I do not think could be disposed of to-day without occupying more time than we ought to give to it. I therefore object.

The SPEAKER. Objection is heard.

UNITED STATES COURTS, IDAHO AND WYOMING.

The next business was the bill (S. 3315) amending an act entitled "An act to amend an act to provide the times and places for holding terms of the United States court in the States of Idaho and Wyoming, approved June 1, 1889."

Mr. MONDELL. Mr. Speaker, I ask unanimous consent that the substitute be read in lieu of the original bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read as follows:

Strike out all after the enacting clause and insert:

"That section 3 of 'An act to provide the times and places for holding terms of the United States courts in the States of Idaho and Wyoming,' approved July 5, 1892, as amended by the amendatory act approved June 1, 1898, be amended so as to read as follows:

"Sec. 3. That for the purpose of holding terms of the district court said district shall be divided into four divisions, to be known as the northern, central, southern, and eastern divisions. The territory embraced on the 1st day of July, 1910, in the counties of Shoshone, Kootenai, and Bonner shall constitute the northern division of said district; and the territory embraced on the date last mentioned in the counties of Latah, Nez Perce, and Idaho shall constitute the central division of said district; and the territory embraced on the date last mentioned in the counties of Ada, Boise, Blaine, Cassia, Twin Falls, Canyon, Elmore, Lincoln, Owyhee, and Washington shall constitute the southern division of said district; and the territory embraced on the date last mentioned in the counties of Bingham, Bear Lake, Custer, Fremont, Bannock, Lemhi, and Oneida shall constitute the eastern division of said district."

"Sec. 2. That section 6 of said act as amended by the act approved June 1, 1898, be amended so as to read as follows:

"Sec. 6. That the terms of the district court for the northern division of the State of Idaho shall be held at Coeur d'Alene City on the

fourth Monday in May and the third Monday in November; for the central division, at Moscow on the second Monday in May and the first Monday in November; for the southern division, at Boise City on the second Mondays in February and September; and for the eastern division, at Pocatello on the second Mondays in March and October; and the provision of any statute now existing providing for the holding of said terms on any day contrary to this act is hereby repealed; and all suits, prosecutions, process, recognizance, bail bonds, and other things pending in or returnable to said court are hereby transferred to, and shall be made returnable to, and have force in the said respective terms in this act provided in the same manner and with the same effect as they would have had had said existing statute not been passed.

"That the clerk of the district and circuit courts for the district of Idaho and the marshal and district attorney for said district shall perform the duties appertaining to their offices, respectively, for said courts of the said several divisions of said judicial district. Whenever in the judgment of the district and circuit judges the business of said courts hereafter shall warrant the employment of a deputy clerk at Coeur d'Alene City, new books and records may be opened for the said court, and a deputy clerk appointed to reside and keep his office at Coeur d'Alene City."

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

There was no objection.

The amendment in the nature of a substitute was agreed to, and the bill as amended was ordered to be read a third time, was read the third time, and was passed.

INTERNATIONAL PEACE.

The next business was the bill (H. R. 32084) to incorporate the Carnegie Endowment for International Peace.

The Clerk proceeded to read the bill.

Mr. MANN. Mr. Speaker, this is a very important bill, and I would like to know if we could not have the question submitted as to whether anybody objects, before it is read through.

The SPEAKER pro tempore. Without objection, the Chair will now submit the question. Is there objection to the consideration of this bill?

Mr. McDERMOTT. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

Mr. PARKER. Mr. Speaker, that kills the bill for the whole session to do that, and it is really pretty hard to have an objection made.

Mr. SLAYDEN. I will ask the gentleman from Illinois to withhold his objection for a few minutes.

Mr. McDERMOTT. I will withhold it for a short while.

Mr. McCALL. Mr. Speaker, I demand the regular order.

RECONSIDERATIONS.

Mr. MANN. Mr. Speaker, before the gentleman from Massachusetts proceeds, I will ask his indulgence to ask unanimous consent to enter a motion to reconsider the bills that were passed to-day, and that that motion lie upon the table.

The SPEAKER. Is there objection? [After a pause.] There is none.

Mr. MANN. And also to lay upon the table the bills H. R. 11593, 11664, 17848, 26411, 28624, on the calendar, similar bills having already been passed.

The SPEAKER. Without objection, it will be so ordered. There was no objection.

ORDER OF BUSINESS.

Mr. PARKER. Mr. Speaker, I rise to a parliamentary inquiry. The gentleman from Illinois withheld his objection.

The SPEAKER. But the regular order was demanded.

Mr. PARKER. The gentleman has withheld his objection. Does this bill go over as on the Calendar for Unanimous Consent?

The SPEAKER. It goes off the calendar under the rules.

Mr. PARKER. But the gentleman withheld his objection.

Mr. McDERMOTT. Mr. Speaker, I object.

MONUMENT TO ABRAHAM LINCOLN.

Mr. McCALL. Mr. Speaker, I move to suspend the rules and pass the bill (S. 9449) to provide a commission to secure plans and designs for a monument or a memorial to the memory of Abraham Lincoln, with an amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc. That WILLIAM H. TAFT, SHELEY M. CULLOM, JOSEPH G. CANNON, GEORGE PEABODY WETMORE, SAMUEL WALKER McCALL, HERNANDO D. MONEY, and CHAMP CLARK are hereby created a commission, to be known as the Lincoln Memorial Commission, to procure and determine upon a location, plan, and design for a monument or memorial in the city of Washington, D. C., to the memory of Abraham Lincoln, subject to the approval of Congress.

SEC. 2. That in the discharge of its duties hereunder said commission is authorized to employ the services of such artists, sculptors, architects, and others as it shall determine to be necessary, and to avail itself of the services or advice of the Commission of Fine Arts, created by the act approved May 17, 1910.

SEC. 3. That the construction of the monument or memorial, herein and hereby authorized, shall be upon such site as shall be determined by the commission herein created, and approved by Congress, and said construction shall be entered upon as speedily as practicable after the plan and design therefor is determined upon and approved by Congress,

and shall be prosecuted to completion, under the direction of said commission and the supervision of the Secretary of War, under a contract or contracts hereby authorized to be entered into by said Secretary in a total sum not exceeding \$2,000,000.

SEC. 4. That vacancies occurring in the membership of the commission shall be filled by appointment by the President of the United States.

SEC. 5. That to defray the necessary expenses of the commission herein created and the cost of procuring plans or designs for a memorial or monument, as herein provided, there is hereby appropriated the sum of \$50,000, to be immediately available.

SEC. 6. That said commission shall annually submit to Congress an estimate of the amount of money necessary to be expended each year to carry on the work herein authorized.

SEC. 7. That all acts or parts of acts inconsistent herewith are hereby repealed.

The SPEAKER. Is a second demanded?

Mr. FITZGERALD. Mr. Speaker, I demand a second.

Mr. McCALL. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The gentleman from New York is entitled to 20 minutes and the gentleman from Massachusetts to 20 minutes.

Mr. McCALL. Mr. Speaker, this bill provides for the appointment of a commission to determine upon plans for some suitable memorial to Abraham Lincoln in the city of Washington. It comes to this House with the sanction of having been introduced in the other House of Congress by the venerable Senator from Illinois, who was for many years a friend of Mr. Lincoln. An attempt was made by various gentlemen, including myself, two years ago, just before the one hundredth birthday of Abraham Lincoln, to provide for some suitable monument to him in the Capital City of the Nation that he saved.

A half century nearly after his death and the close of the Civil War there is nothing in the city of Washington to remind one that Abraham Lincoln ever existed except perhaps the scarecrow in front of the District court building and the statue of which we must all speak in terms of veneration and respect which was raised by the contributions of ex slaves. We have a great monument here to Washington and are soon to have a splendid memorial to Grant, and the object of this bill is to provide that there shall be erected here in this city a memorial to Abraham Lincoln. We were unable two years ago to procure the passage of suitable legislation because of the advocacy of so many different plans. There was a plan for a bridge, there was a plan for some sort of a structure in the new parkway; there was also a plan for a way to Gettysburg. All of these plans had more or less merit in them, but on account of the advocacy of all of them none was adopted.

I have nothing to say about the proposed plan of a way to Gettysburg, but it is very obvious that it brings in a new question and uses the fame of Lincoln to settle upon a policy upon which there is much discussion. If we build a magnificent highway through the States of Maryland and Pennsylvania to Gettysburg we shall have established a precedent which will be utilized for the purpose of having the National Government construct great ways at enormous expense in other States. What, for instance, could be more striking than a great highway from the city of Washington to the city of Richmond, which, but for Lincoln, might have been the capitals of two hostile nations, going through a country every inch of which was fought over by contending armies for three or four years? What could be more fitting, also, than a highway from Philadelphia to New York, through the region over which George Washington drove the British in the Revolutionary War? So we do not wish to complicate the simple question of having a memorial to Lincoln in the city of Washington with any of these other propositions, and the object of this bill is to secure its consideration by a commission. The commission must report to Congress, and it proposes to secure here, ultimately, in the city of Washington the construction of a suitable memorial to Lincoln. We have made an amendment on the Senate bill. We have added to the name of the commission those of the author of the bill, Senator CULLOM, of Illinois, and also the name of the Speaker of the House, Mr. CANNON, who was a personal friend of Lincoln's; and we have reduced the sum authorized to be expended by the commission for the purpose of making the investigations from \$100,000 to \$50,000. I think I have sufficiently explained the general purposes of the bill, and I reserve the balance of my time.

Mr. BARTHOLDT. I am heartily in favor of this bill, Mr. Speaker, but, if I construe correctly the remarks of the gentleman from Massachusetts, the commission might feel inclined to eliminate this plan for a highway because of his objection. If I understand, this bill does not confine the commission to any particular plan or form of a memorial.

Mr. McCALL. No; it does not confine the commission to any plan, but it provides for the erection of a memorial in the city of Washington. Now, it will be entirely within the authority of the commission to recommend a memorial arch, for instance, at the proposed terminus of this way to Gettysburg, or something of that sort, but I should not consider it within the scope of the authority of this bill to provide for the construction of a highway outside of the District of Columbia, either to Gettysburg or to Richmond, although it would be proper if we reach any conclusion favorable to either of those projects for the commission to report that conclusion to Congress.

Mr. BARTHOLOMT. Of course I shall not oppose the bill with the statement of the gentleman from Massachusetts, but I desire to express my regret that the hands of the commission should be tied to that extent. I think that probably a highway to Gettysburg, as a memorial to the memory of Lincoln, would be more compatible with the character of his life than any mere statue or monument would be, and there are a great many people in this city and in the country who believe that would be a better way to memorialize Lincoln than by a mere monument. I am very sorry this bill will not permit the commission even to consider favorably a plan of that kind.

Mr. MANN. Many of us are very glad, however.

Mr. GILLET. I will say, for one, that I am very glad it did not. I would like to ask the gentleman from Massachusetts [Mr. McCALL] why such a large sum as \$50,000 is needed? Why should they require any such amount for that purpose?

Mr. McCALL. Replying to my colleague, I will say that I do not know whether he heard the bill read or not, but as the bill passed the Senate it provided for \$100,000, which the House committee has reduced to \$50,000. Section 2 provides that in the discharge of its duties hereunder the said commission is authorized to employ the services of such artists, sculptors, architects, and others, as it shall deem necessary for the purpose of deciding upon some suitable memorial. It will take expert advice of the very highest character in order to develop a plan for this memorial, and I will say to the gentleman that the expenditure of the whole sum of \$50,000 is not necessary, but is simply authorized to be expended.

Mr. GILLET. I was inquiring whether it was intended they should select a particular marble, or if this money is to be expended for models, or, as I understood, was simply for some general scheme.

Mr. McCALL. It is to decide upon some precise and definite memorial or model for a memorial which the commission is willing to recommend to Congress; and then Congress must approve it.

Mr. FITZGERALD. Will the gentleman yield?

Mr. McCALL. Certainly.

Mr. FITZGERALD. Why does the gentleman include in here that we are to make contracts up to \$2,000,000 for a plan to be submitted to Congress and to obtain its approval before any action is taken whatever?

Mr. McCALL. That was a provision in the Senate bill.

Mr. FITZGERALD. But it is such a bad one that I want to know why the gentleman did not strike it out.

Mr. McCALL. It is not a particularly bad one. It is rather the laying down of lines and limitations. I should construe that as meaning that we were to provide for a memorial of a very imposing character, that we might contemplate providing plans for a memorial that would cost \$2,000,000, including the site and all the other accessories; but I do not think we are at liberty to make any contract or to involve the Government in the expenditure of any of that \$2,000,000.

Mr. FITZGERALD. The bill provides that the commission shall agree upon some plan and submit it to Congress for its approval. Upon its approval the Secretary of War is authorized to enter into contracts for the carrying out of this plan at a total expenditure of not to exceed \$2,000,000. Would it not be wise to have the plan prepared and details worked out and submitted to Congress before the extent of the contracts some officer shall be authorized to make in order is determined? My experience, I will say to the gentleman from Massachusetts, has been—

Mr. McCALL. Will the gentleman permit me a minute?

Mr. Speaker, how much time have I remaining?

Mr. FITZGERALD. I am taking my own time. The gentleman can take my time if there is any necessity for it.

The SPEAKER. The gentleman from Massachusetts [Mr. McCALL] has nine minutes remaining.

Mr. HARRISON. Will the gentleman from Massachusetts yield to a question?

Mr. FITZGERALD. My experience has been that whenever Congress authorizes any public improvement or memorial, or

public work of any character, and fixes in advance a limit of cost, it has never been able to obtain skilled services or architects, or other artistic services, resulting in a design for a building, a memorial, or an enterprise that could possibly be built within the limit of cost fixed by Congress.

If this \$2,000,000 be inserted here, I am confident that a plan will be prepared of some memorial which, although it will be stated will not cost to exceed \$2,000,000, will never be completed within, perhaps, \$3,000,000, or at least half a million dollars more than the proposed cost. I should prefer to leave the commission that is to prepare a design of memorial to commemorate Abraham Lincoln in the city of Washington free to secure the best experts available to plan a design to be submitted to Congress, and when the various designs are submitted to determine which shall be adopted as the memorial, and authorize the expenditure of whatever money might be necessary. The only criticism I have of such a bill as this being considered at this time is the fact that it is possible to procure consideration of a bill for a very worthy purpose which is designed to impose an obligation of \$2,000,000 on the people of the United States when it is utterly impossible to procure the consideration of any legislation whatever that will relieve them from many of the burdens under which they now labor. I suppose it is one of the misfortunes of our system of government, but I am inclined to think that it is due not so much to the system of government as it is to the fact that the party in control of the House is so unenlightened, and so obtuse, and so unable to appreciate the meaning of the recent election that it hopes to pile up authorization from now until the expiration of this Congress, with the knowledge that such action will make it difficult, if not impossible, for the succeeding Congress to relieve the people from any burdens under which they suffer. It would be a good thing, Mr. Speaker, for the country if this Congress should adjourn now instead of March 4.

Mr. MANN. On the other hand, we are liable to be in session for several months after the 4th of March.

Mr. FITZGERALD. Not this outfit.

Mr. MANN. Not so sensible a one.

Mr. GOULDEN. I understood my colleague to propose that there be a limit placed in the bill not to exceed \$2,000,000.

Mr. FITZGERALD. Oh, no. I would strike out, if I had my way, all after the word "Congress," line 14, down to and including the word "dollars," in line 18, page 2.

Mr. GILLET. You would not have any limit, then?

Mr. FITZGERALD. That is not a limit of cost; it is authority to enter into contracts to build a memorial on some plan or design not even yet in contemplation.

Mr. GOULDEN. Does the gentleman think that would be in the interest of economy?

Mr. FITZGERALD. I believe there would be less likelihood of the House being shocked after the work was completed, or when it was pretty well along, than it would by putting in the \$2,000,000 authorization, because while this is intended as a limitation it will not be accepted in that sense, but on the theory that a plan must be designed which will require at least an expenditure of \$2,000,000.

Mr. GILLET. Will not the gentleman recognize that it is necessary for some suggestion to be made as to the extent of the cost? Otherwise the architect would not know anything about it.

Mr. FITZGERALD. When I look at the personnel of this commission—WILLIAM H. TAFT, SHELBY M. CULLOM, JOSEPH G. CANNON, GEORGE PEABODY WETMORE, SAMUEL WALKER McCALL, HERNANDO D. MONEY, and CHAMP CLARK—all of them men of long experience in public life, all of them men who have displayed, at least at times, some appreciation of the value of public money, and in their public careers have shown a disposition to have it expended wisely, I think it is hardly necessary to have any intimation to these men that the passage of such a bill as this is not intended as an intimation that they should first ascertain how much money was available in the Treasury and then proceed to attempt to spend it.

Mr. McCALL. The gentleman would hardly deny that at least two of the commissioners—JOSEPH G. CANNON and CHAMP CLARK—are not spendthrifts when it comes to dealing with the national funds.

Mr. FITZGERALD. I just said that in view of the personnel of the commission it is not necessary. Of course I understand the modesty of the gentleman from Massachusetts makes it impossible for him to make the statement that persons of the artistic temperament and sensibilities of some of the members of the commission might possibly require some brake upon their impetuous desire to squander money, but so many distinguished economists who have endeavored to protect the Public Treasury from improper raids need no limitation. My

only fear is that this provision for the contract will give those members of the commission with the artistic impulse a club to coerce the more practical, economical members of the commission into paths that they otherwise would not stray.

Mr. HARRISON. Will the gentleman from New York yield me two minutes to ask a question of the gentleman from Massachusetts?

Mr. FITZGERALD. I will yield my colleague five minutes—two for the question and three for the answer. [Laughter.]

Mr. HARRISON. I have no doubt that gentlemen in this House will unite in a desire to do honor to the memory of Abraham Lincoln, and I feel certain that no Member will consider questions directed to the financial part of this plan as indicating any unfriendly attitude toward the purpose. But I would like the gentleman from Massachusetts [Mr. McCall] to explain to those of us over here who were so unfortunate as not to be able to hear the colloquy between himself and his colleague a few moments ago as to the necessity for appropriating \$50,000 to defray the necessary expenses of the commission, and so on. Does that entail paying salaries to the members of the commission? Does it mean that you are going to pay salaries to a lot of clerks, secretaries, and people employed in various incidental manners in connection with this commission? What is the process of such a commission as this? The gentleman from Massachusetts has served on others of them, I believe, and is entirely familiar with them. Will he explain to me why \$50,000 should be appropriated and why these gentlemen who are named here can not get together and ask for the submission of architects' plans without \$50,000 being appropriated?

Mr. McCALL. Mr. Speaker, with regard to the danger of paying salaries to the commission and to clerks, and so forth, I should have no hesitation in saying there is not a particle of danger of that being done. I never knew of any of these commissions having in charge the creation of works of art paying themselves salaries. I will say, furthermore, to the gentleman from New York, that I think he knows perhaps something of my own position with regard to entering into collateral expenses in the building of memorials, such, for instance, as the paying of sums of money for the preparation of historical matter.

Mr. HARRISON. Have we the assurance of the gentleman from Massachusetts that he will oppose any such suggestion in connection with this?

Mr. McCALL. As far as the gentleman from Massachusetts is concerned, he certainly will.

Mr. HARRISON. What about the payment of clerks and secretaries for the commission? How many of those will be necessary?

Mr. McCALL. I should imagine that perhaps one man might be necessary, but no more than that.

Mr. HARRISON. What is the \$50,000 to go for?

Mr. McCALL. I will read section 2 of the bill:

That in the discharge of its duties hereunder said commission is authorized to employ the services of such artists, sculptors, architects, and others as it shall determine to be necessary, etc.

It will be necessary, as I said, to secure the assistance of the best artistic talent in the country in order to adopt some suitable plan.

Mr. HARRISON. Does this include the architects' fees?

Mr. McCALL. The architects' fees, the fees of artists who are called upon to advise and to suggest plans; but I do not believe that this commission would expend even \$10,000 for that purpose if it were not necessary; but it is a purpose that will require the expenditure of money in getting the very best advice we can before we shall decide upon some definite memorial to recommend to Congress. I would say to the gentleman, further, that the Senate considered the expenditure of \$100,000 necessary for that purpose, but that the Committee on the Library of the House reduced the amount to \$50,000.

Mr. HARRISON. The gentleman does not suppose that these artistic gentlemen will confine their attention to \$10,000, when they can see in the bill that they might get \$50,000.

Mr. McCALL. They will confine their bills to just such amounts as the commission think they should reasonably charge.

The SPEAKER. The question is on suspending the rules and passing the bill as amended.

The question was taken, and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

MONUMENT TO MAJ. GEN. NATHANAEL GREENE.

Mr. THOMAS of North Carolina. Mr. Speaker, I move to suspend the rules and pass the bill (S. 5379) for the erection of a statue of Maj. Gen. Nathanael Greene upon the Guilford battle ground in North Carolina as amended, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That the sum of \$30,000 be, and the same is hereby, authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, for the erection of a monument on the battlefield of Guilford Court House, in Guilford County, N. C., to commemorate the great victory won there on March 15, 1781, by the American forces, commanded by Maj. Gen. Nathanael Greene, and in memory of Maj. Gen. Nathanael Greene and the officers and soldiers of the Continental Army who participated in the battle of Guilford Court House: *Provided*, That the money authorized to be appropriated as aforesaid shall be expended under the direction of the Secretary of War, and the plans, specifications, and designs for such monument shall be first approved by the Secretary of War, with the assistance of the officers of the Guilford Battle Ground Co., before any money so authorized to be appropriated is expended: *And provided further*, That the site for said monument within the limits of said battle field of Guilford Court House shall be selected by the Secretary of War and donated free of cost to the United States: *And provided further*, That when said monument is erected the responsibility for the care and keeping of the same shall be and remain with the Guilford Battle Ground Co., it being expressly understood that the United States shall have no responsibility therefor; and it being further understood that said Guilford Battle Ground Co. shall provide for the public use an open highway thereto.

The SPEAKER. Is a second demanded?

Mr. MANN. Mr. Speaker, I demand a second.

Mr. THOMAS of North Carolina. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and it is so ordered. The gentleman from North Carolina [Mr. THOMAS] is entitled to 20 minutes, and the gentleman from Illinois [Mr. MANN] to 20 minutes.

Mr. THOMAS of North Carolina. Mr. Speaker, this bill is reported by me from the Committee on the Library of the House of Representatives. Bills having the object of the erection of a statue to Maj. Gen. Greene have heretofore passed the Senate of the United States in four Congresses, the Fifty-fourth, Fifty-ninth, Sixtieth, and the Sixty-first.

The Committee on the Library of the House, in considering the Senate bill, deemed it wise to erect a monument upon the battle field of Guilford Court House to commemorate not only Gen. Nathanael Greene, but the great battle fought there, and also to commemorate and honor the officers and soldiers of the Continental Army who fought with Gen. Greene. This battle ground is situated near Greensboro, N. C., by the way, located near the place of birth of the distinguished Speaker of the House. There can be no question of the great importance of the battle, its effect upon our war for independence, and that Gen. Greene was one of the greatest forces of the War of the Revolution. A native of Rhode Island and a resident of Georgia after the war, this bill links together New England and the South, and this tribute of respect and honor to Gen. Greene has been too long neglected and delayed. Gen. Greene, Mr. Speaker, was born in Rhode Island and died in Georgia upon his plantation. This plantation was given him by the State of Georgia in recognition of his distinguished services in the War of the Revolution. It is interesting to note he was of Quaker descent and yet became a soldier.

On May 8, 1775, he was commissioned a brigadier general in the Rhode Island troops. He soon became a major general in the Continental Army and participated in the battles of Trenton and Princeton and commanded the left wing of our Army under the eye of Washington, at Germantown, Pa., October 4, 1777. Gen. Greene possessed the confidence and regard of the great commander in chief in an eminent degree, and after the defeat of Gen. Gates at Camden by Lord Cornwallis Washington sent him to command the forces in the South. On the 15th of March, 1781, he engaged Cornwallis in battle at Guilford Court House, about 5 miles from the city of Greensboro, N. C., which city is named in his honor. The battle was one of the most important of the Revolution. It is said Guilford Court House, in results, was an American victory, for it was necessary to the British plan of campaign that they should triumph, and they did not triumph. Greene turned south to free the land from the English, while Cornwallis went north—toward Yorktown. When the news of the battle reached Parliament, Cornwallis claiming it as a victory, Fox declared, "Another such victory would destroy the British Army." The historian Wheeler says:

The effect of this desperate battle (Guilford Court House) was to break down the English power in our State (North Carolina), subdue the Tories, and was the main blow that broke the chain of tyranny which bound our country to England.

The same author says that Greene "was one of the bravest, most sagacious, and most successful officers of the Revolution." He was probably second only to Washington. And I believe to-day that practically the unanimous verdict of the American people is that he was second only to Washington.

We look around us in the National Capital and we see statues to many a distinguished general of foreign birth who aided us—

Lafayette, von Steuben, Kosciuszko, Rochambeau, and others—but of the great generals born in America, Greene was, in my opinion, the most distinguished, if not second to Washington.

Mr. GOULDEN. Will the gentleman permit a question?

Mr. THOMAS of North Carolina. Certainly.

Mr. GOULDEN. Was not this bill reported from the Committee on the Library of the House on one occasion?

Mr. THOMAS of North Carolina. I do not think so. On many occasions it has passed the Senate, but I believe my report is the first from the House committee, of which I am a member.

Mr. GOULDEN. I thought we had it up for consideration in the House last year.

Mr. THOMAS of North Carolina. No; I do not think so. I do not think it has ever been reported from the House committee before. I was asked this Congress to report it by Senator OVERMAN and the Representative of the fifth district [Mr. MOREHEAD], but I have not been able to get it favorably reported before this Congress, and it has not been considered before in the House.

Mr. GOULDEN. I had an impression we considered this question last year.

Mr. THOMAS of North Carolina. No; I think the gentleman is mistaken. Now, Mr. Speaker, there is no question about the importance of this battle ground, and I shall incorporate in my remarks the report of the committee which sets forth its importance. The Battle of Guilford Court House so crippled Cornwallis that he marched north. Greene was called "the savior of the South," and when he died, we are told, he left "a fame that will remain as long as patriotism is admired." Guilford Court House made Yorktown possible.

Mr. MANN. Will the gentleman yield for a question?

Mr. THOMAS of North Carolina. I would prefer to finish first, and then I will answer any questions. The battlefield upon which it is proposed to erect this monument to commemorate Gen. Greene, his officers and soldiers, and the battle, has been reclaimed and adorned by the Guilford Battle Ground Co., a patriotic association incorporated by the Legislature of North Carolina. The State legislature exempts it from taxation and contributes to its maintenance. It is now a beautiful park of about 100 acres of piedmont hill and vale, the title being in the company. It has 25 monuments, among them one to the Maryland troops who fell in the battle, others to signers of the Declaration of Independence, to Gen. Nash, to Gen. Davidson, to Col. Joseph Winston, to Col. Benjamin Cleveland, and other revolutionary heroes and distinguished patriots. It is a mecca of patriotism. Every year, on July 4, many thousands gather there to hear a leading address and short speeches on patriotic but nonpartisan subjects, frequently some revolutionary character or event. The late Gen. Henry V. Boynton said of it that—

The vast body of the Revolutionary patriots of the North should take notice of this North Carolina work—a field preserved and paid for with its history collected and preserved on tablets and monuments.

I hope that the bill will pass under suspension of the rules, and we shall at last erect to Gen. Greene and his soldiers this long-delayed tribute of respect and honor. Now I will answer questions. [Applause.]

Mr. Speaker, I desire to print the committee report as part of my remarks.

The report is as follows:

[House Report No. 1698, Sixty-first Congress, second session.]

The Committee on the Library, to whom was referred the bill (S. 5379) entitled "An act for the erection of a statue of Maj. Gen. Nathaniel Greene upon the Guilford battle ground in North Carolina," respectfully report the same with the recommendation that it do pass with the following amendments:

Strike out all after the enacting clause and insert the following:

"That the sum of \$30,000 be, and the same is hereby, authorized to be appropriated out of any money in the Treasury not otherwise appropriated, for the erection of a monument on the battlefield of Guilford Court House, in Guilford County, N. C., to commemorate the great victory won there on March 15, 1781, by the American forces, commanded by Maj. Gen. Nathaniel Greene, and in memory of Maj. Gen. Nathaniel Greene and the officers and soldiers of the Continental Army who participated in the Battle of Guilford Court House: *Provided*, That the money authorized to be appropriated as aforesaid shall be expended under the direction of the Secretary of War, and the plans, specifications, and designs for such monument shall be first approved by the Secretary of War, with the assistance of the officers of the Guilford Battle Ground Co., before any money so authorized to be appropriated is expended: *And provided further*, That the site for said monument within the limits of said battlefield of Guilford Court House shall be selected by the Secretary of War and donated free of cost to the United States: *And provided further*, That when said monument is erected the responsibility for the care and keeping of the same shall be and remain with the Guilford Battle Ground Co., it being expressly understood that the United States shall have no responsibility therefor; and it being further understood that said Guilford Battle Ground Co. shall provide for the public use an open highway thereto."

Amend the title as follows: "A bill to provide for the erection of a monument to commemorate the Battle of Guilford Court House, N. C., and in memory of Maj. Gen. Nathaniel Greene and the officers and

soldiers of the Continental Army who participated with him in the Battle of Guilford Court House, N. C."

Bills having the object of the erection of a statue to Maj. Gen. Nathaniel Greene only, have heretofore passed the United States Senate in the Fifty-fourth, Fifty-ninth, and Sixtieth Congresses, and the present, or Sixty-first, Congress.

The Committee on the Library of the House, in considering the Senate bill, deem it wise to erect a monument upon the battlefield of Guilford Court House to commemorate the great battle fought there, as well as in especial memory and honor of Maj. Gen. Greene and the officers and soldiers of the Continental Army who fought with him, thereby somewhat enlarging the scope of the original bill and increasing the Senate's appropriation \$5,000.

A similar appropriation has been made for the Kings Mountain battle ground for a similar amount. The plans, specifications, and designs for the monument are to be approved by the Secretary of War with the assistance of the officers of the Guilford Battle Ground Co.

The monument will probably include inscriptions in honor of Maj. Gen. Greene and other inscriptions in honor of his officers and soldiers, and possibly it might include upon the monument an equestrian statue of Maj. Gen. Greene.

There can be no question of the great importance of the battle, its effect upon our war for independence, and that Gen. Greene was one of the greatest forces of the War of the Revolution. A native of Rhode Island, and a resident of Georgia after the war, this bill furthermore links together New England and the South, and this tribute of respect and honor to Gen. Greene has been long neglected and delayed.

The following part of the Senate Report No. 275 of the Sixtieth Congress, first session, is reprinted herewith:

"Gen. Nathaniel Greene was born in Warwick, R. I., May 27, 1742, and died at his home on Mulberry Grove plantation, on the Savannah River, in Georgia, on June 19, 1786, from the effects of a sunstroke received a few days prior thereto while in Savannah. He left a wife and five children. After the Revolutionary War he removed from Newport, R. I., to this plantation, which was given to him by the State of Georgia in recognition of his distinguished services in the Revolution.

"He was the son of Nathaniel Greene, a preacher of the Quaker denomination and a lineal descendant of John Greene, who came from England, following Roger Williams. On July 20, 1774, he married Catherine Littlefield. He read law, but the times required him for a more active life. On May 8, 1775, he was commissioned a brigadier general in the Rhode Island troops. He soon became a major general in the Continental Army. He participated in the battles of Trenton and Princeton, and commanded the left wing of our Army under the eye of Washington, at Germantown (now in Philadelphia), October 4, 1777, where Gen. Francis Nash was killed. Gen. Greene possessed the confidence and regard of the great Commander in Chief in an eminent degree, and after the defeat of Gen. Gates at Camden by Lord Cornwallis in August, 1780, Washington sent him to command the forces in the South.

"On the 15th of March, 1781, he engaged Cornwallis in battle at Guilford Court House, about 5 miles from the city of Greensboro, N. C., which city is named in his honor. The battle was one of the most important of the Revolution. Though Greene ordered a retreat, he was not defeated. Of it Thomas E. Watson, in his *Life of Jefferson*, says: 'Guilford Court House, in result, was an American victory, for it was necessary to the British plan of campaign that they should triumph, and they did not triumph. Greene turned south to free the land from the English, while Cornwallis went north—toward Yorktown.'

"When the news of the battle reached Parliament, Cornwallis claiming it as a victory, Fox declared, 'Another such victory would destroy the British army.'

"The historian Wheeler says: 'The effect of this desperate battle (Guilford Court House) was to break down the English power in our State (North Carolina), subdue the Tories, * * * and was the main blow that broke the chain of tyranny which bound our country to England.' The same author says that Greene 'was one of the bravest, most sagacious, and most successful officers of the Revolution.' He was probably second only to Washington.

"The Battle of Guilford Court House so crippled Cornwallis that he avoided a second conflict for the time being, and began a retrograde movement, leaving his wounded under the care of the Americans. Gen. Greene then marched to South Carolina, then under the dominion of the British. At Eutaw Springs, on the 8th of September, 1781, a bloody battle was fought, in which Greene routed the enemy. The historian above quoted says that 'after suffering incredible hardships from want of food and clothing for his troops his patience and firmness triumphed over all obstacles. He drove the invaders from the country, and they sailed from Charleston on December 17.' He was called 'the savior of the South,' and when he died we are told he left 'a fame that will remain as long as patriotism is admired.'

"The bill proposes to erect the monument on the battlefield of Guilford Court House. This is the scene of Gen. Greene's greatest and most fruitful work. Of it Mr. Benton, in his *Thirty Years' View*, in his chapter on Nathaniel Macon, says the Battle of Guilford disabled Cornwallis from remaining in the South and sent him to Yorktown, and continues:

"The philosophy of history has not yet laid hold of the Battle of Guilford, its consequences and effects. That battle made the capture of Yorktown. The events are told in every history, their connection and dependence in none. It broke up the plan of Cornwallis in the South and changed the plan of Washington in the North. Cornwallis was to subdue the Southern States, and was doing it until Greene turned upon him at Guilford. Washington was occupied with Sir Henry Clinton, then in New York with 12,000 British troops. He had formed the heroic design to capture Clinton and his army (the French fleet cooperating) in that city, and thereby putting an end to the war.

"All his preparations were going on for that grand consummation when he got the news of the Battle of Guilford, the retreat of Cornwallis to Wilmington, his inability to keep the field in the South, and his return northward through the lower part of Virginia. He saw his advantage—an easy prey—and the same result if successful. Cornwallis or Clinton, either of them captured would put an end to the war. Washington changed his plan, deceived Clinton, moved rapidly upon the weaker general, captured him and his 7,000 men, and ended the Revolutionary War. The Battle of Guilford put that capture into Washington's hands, and thus Guilford and Yorktown became connected, and the philosophy of history shows their dependence and that the lesser event was father to the greater. The State of North Carolina gave Gen. Greene 25,000 acres of western land for that day's work, now (in 1854) worth a million of dollars, but the day itself has not yet obtained its proper place in American history."

"This battlefield has been reclaimed and adorned by the Guilford Battle Ground Co., a patriotic association incorporated by the Legislature of North Carolina. The State legislature exempts it from taxation and contributes to its maintenance. It is now a beautiful park of about 100 acres of piedmont hill and vale, the title being in the company. It has beautiful groves; meadows; abundant waters, including Lake Wilfong; springs; grass plats; a keeper's home; association buildings; a museum filled with Revolutionary relics, many of them of rare value; a pavilion with a large seating capacity; and has 25 monuments, among them one to the Maryland troops who fell in the battle, others to signers of the Declaration of Independence, to Gen. Nash, to Gen. Davidson (these two erected by an act of Congress), to Col. Joseph Winston, Col. Benjamin Cleveland, and other Revolutionary heroes and distinguished patriots.

"A line of the great Southern Railway traverses the battlefield. The relative positions of the opposing forces are shown by granite markers. It is a mecca of patriotism. Every year on July 4 many thousands gather there to hear a leading address and short speeches on patriotic but nonpartisan subjects, frequently some Revolutionary character or event.

"The late Gen. Henry V. Boynton said of it that 'the vast body of the Revolutionary patriots of the North should take notice of this North Carolina work * * * a field preserved and paid for, with its history collected and preserved on tablets and monuments.'

Mr. MANN. I understood the gentleman to say Congress has passed bills three or four times providing—

Mr. THOMAS of North Carolina. The Senate, I said.

Mr. SHEPPARD. Has this North Carolina association ever received any aid from the Federal Government?

Mr. THOMAS of North Carolina. None, except that when W. W. Kitchin, our former colleague, now the present governor of North Carolina, was in Congress he secured the passage of an act to erect two arches at the entrances of Guilford Court House battle ground in memory of Gens. Nash and Davidson, to carry into effect an act or resolution of the Continental Congress. That much has been done by the Federal Government, and nothing more.

Mr. SHEPPARD. Beyond that, however, the State association has assumed all the expense?

Mr. THOMAS of North Carolina. Has assumed all the expense.

Mr. PARSONS. Will the gentleman yield to me a minute?

Mr. MANN. I yield to the gentleman.

Mr. THOMAS of North Carolina. I yield, also.

Mr. PARSONS. Mr. Speaker, I ask unanimous consent to extend my remarks on this bill in the RECORD.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The question is on suspending the rules and passing the bill.

The question was taken; and two-thirds having voted in favor thereof, the amendments were agreed to, and the bill as amended was passed.

IMPROVEMENT OF NAVIGATION IN ST. LAWRENCE RIVER.

Mr. YOUNG of Michigan. Mr. Speaker, I move to suspend the rules and pass the bill H. R. 32219.

The SPEAKER. The gentleman from Michigan [Mr. YOUNG] moves to suspend the rules and pass the bill H. R. 32219, which the Clerk will report.

The Clerk read, as follows:

A bill (H. R. 32219) to provide for the improvement of navigation in the St. Lawrence River and for the construction of dams, locks, canals, and other appurtenant structures therein at and near Long Sault, Barnhart, and Sheek Islands.

Be it enacted, etc., That the Long Sault Development Co., a corporation organized under a law of the State of New York, entitled "An act to incorporate the Long Sault Development Co., and to authorize said company to construct and maintain dams, canals, power houses, and locks at or near Long Sault Island, for the purpose of improving the navigation of the St. Lawrence River and developing power from the waters thereof, and to construct and maintain a bridge, and carry on the manufacture of commodities," which became effective May 23, 1907, its successors and assigns, be, and they hereby are, authorized to construct, maintain, and operate for navigation, water power, and other purposes for a period of 99 years a dam or dams in so much of the St. Lawrence River as lies south of the international boundary line between the United States of America and the Dominion of Canada, near Long Sault, Barnhart, and Sheek Islands, either independently or in connection with like works now erected or to be erected in so much of said river as lies north of said international boundary line, with a bridge or bridges and approaches thereto, and a lock or locks, a canal or canals, and other structures appurtenant thereto: *Provided*, That such dam or dams, lock or locks, canal or canals, and other structures appurtenant thereto, except as herein otherwise provided, shall be constructed, maintained, operated, modified, or removed in all respects subject to and in accordance with the provisions of the act entitled "An act to amend an act entitled 'An act to regulate the construction of dams across navigable waters,'" approved June 23, 1910: *Provided further*, That such bridge or bridges and approaches thereto, except as herein otherwise provided, shall be constructed, maintained, operated, modified, or removed in all respects subject to and in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906: *And provided further*, That the Secretary of War shall cause a survey of that portion of the St. Lawrence River to be affected by said improvements to be made with a view to securing a navigable channel, suitable for commerce up and down said river, from a point opposite the western end of Croil Island to a point opposite the eastern end of Barnhart Island, together with plans and specifications therefor, and all rights herein granted to the Long Sault Development Co. shall be conditional on its improvement of said channel

at its own expense, in accordance with said plans and specifications, said channel to be completed simultaneously with the other works herein authorized, all expenses connected with such survey and the preparation of such plans and specifications to be paid by the said company, its successors, or assigns.

SEC. 2. That said Long Sault Development Co., its successors and assigns, shall be subject to the provisions of the treaty between the United States and Great Britain relative to the boundary waters between the United States and Canada, proclaimed by the President of the United States on the 13th day of May, 1910.

SEC. 3. That the actual construction of the works hereby authorized shall be commenced within two years and shall be completed within 15 years from the date of the passage of this act; otherwise this act shall be void, and the rights hereby conferred shall cease and be determined.

SEC. 4. That if said Long Sault Development Co., or any other company or companies acting with it in such development, shall develop power by the construction of works a part of which shall be located north of the international boundary line, at least one-half of the power generated shall be delivered in the United States: *Provided*, That when in the opinion of the Secretary of War and the Chief of Engineers use can not be found in the United States for the full share thus assigned to this country the surplus may be temporarily diverted to Canada, but shall be returned to the United States when in the opinion of said officers it is needed: *Provided further*, That nothing herein contained shall be construed to prevent the importation from Canada of the whole or any part of the power generated from any of the said works in the St. Lawrence River.

SEC. 5. That should the works hereby authorized be or become at any time, in the opinion of the Secretary of War and the Chief of Engineers, inadequate to accommodate, or an interference with, the navigation of that portion of the St. Lawrence River affected thereby, said company, its successors or assigns, shall, under the supervision of the Secretary of War and the Chief of Engineers, make adequate provision for the accommodation of navigation; and should said company, its successors or assigns, fail so to do the United States Government shall, under the supervision of the Secretary of War and the Chief of Engineers, do anything required to make such provision for navigation, and the expense thereof shall constitute a debt of said company, its successors or assigns, and a lien upon all its property.

SEC. 6. That the Long Sault Development Co. shall execute a bond obligatory on itself, its successors and assigns, with good and solvent sureties in the sum of \$500,000, payable to the United States, for the use and benefit of the riparian and other landowners in and among the St. Lawrence River conditioned to pay all damages that may accrue to them, or any of them, by reason of overflow, ice jams, and other causes produced by the erection or maintenance of said dam or dams, and the work of construction shall not commence until said bond is executed and approved by the Secretary of War and deposited in the War Department.

SEC. 7. That the right to alter, amend, or repeal this act is hereby expressly reserved, and the United States shall incur no liability because of the alteration, amendment, or repeal thereof.

Mr. HUMPHREYS of Mississippi. Mr. Speaker, I demand a second.

Mr. YOUNG of Michigan. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The gentleman from Michigan [Mr. YOUNG] is entitled to 20 minutes, and the gentleman from Mississippi [Mr. HUMPHREYS] to 20 minutes.

Mr. YOUNG of Michigan. Mr. Speaker, this bill is in reality a committee substitute for a bill introduced by the gentleman from New York [Mr. MALBY], the local Member of Congress from the district where the proposed works authorized in this bill are to be situated. The St. Lawrence River is navigable from Lake Ontario to its mouth, except at certain rapids. One of these is the Long Sault Rapids. Down them very few boats can go, and up them no boat can go. If the river is to be navigable at all within its boundaries, these rapids must be improved.

Some time before the introduction of this bill in Congress the State of New York, by a special act, granted a charter to the Long Sault Development Co. for the development of power at the Long Sault Rapids. The State of New York was the owner of the bed of the river, and, under the law, had a right to develop, or to leave to others the right to develop, power. It transferred that right for a large and valuable consideration in the form of a rental to the Long Sault Development Co. The matter now comes up for the authorization of Congress in the interests of navigation. Your committee examined the matter with great care, and we have provided in this bill that as a condition for granting these rights to the Long Sault Development Co. it shall make a navigable channel suitable for commerce up and down the rapids through this entire stretch of bad water.

That is the condition imposed upon it; and that it shall do that to the satisfaction of the Secretary of War and the Chief of Engineers; and that they shall then keep that channel in a condition satisfactory to such officials, that if the changing needs of commerce shall from time to time require greater facilities, it shall furnish them at no cost to the Government of the United States; and in no case shall the Government of the United States be responsible for the cost of any changes; and if these parties fail to make them, the United States can make them at their expense. The result of all this is that these parties are required to do at their own expense as a condition for using the water power owned by the State of New York

just exactly what the Nation would have to do at its own expense to improve the river if we did not pass this legislation.

Mr. SULZER. Will the gentleman yield for a question?

Mr. YOUNG of Michigan. Yes, sir.

Mr. SULZER. Was this bill unanimously reported from the committee?

Mr. YOUNG of Michigan. Yes, sir. There is no minority report.

Mr. SULZER. Is it not a fact that the authorities of the State of New York are opposed to the passage of this bill?

Mr. YOUNG of Michigan. No, sir. The State of New York is favorable to the passage of this bill.

Mr. SULZER. I understand the State of New York at the present time is not in favor of this bill, and that there is going to be an effort made to repeal the law which was passed a year or so ago.

Mr. YOUNG of Michigan. I think the gentleman is entirely mistaken, because the State of New York has known from day to day what we were doing here, and has made no objection. I now yield five minutes to the gentleman from Louisiana [Mr. RANDELL].

Mr. SULZER. Let me ask the gentleman if the authorities of New York were represented before the committee in favor of or in opposition to the bill.

Mr. YOUNG of Michigan. They were not. I think I know what the gentleman has in mind. The State of New York asked the committee to refrain from passing the additional legislation in regard to Niagara River until they could examine the question, but that was not this bill.

Mr. SULZER. My information is that the State of New York is now opposed to this bill.

Mr. RANDELL of Louisiana. Mr. Speaker, I had the honor to be a member of the subcommittee which had charge of this measure. We devoted a great deal of time to its investigation. The proposal to put a great lock and dam in the St. Lawrence River with a view to generating 500,000 horsepower is one of considerable importance. This dam is to be constructed at a point in the State of New York where few people are living. It is almost a desert section, at a point where there are great rapids in the river, these rapids being overcome by a canal on the Canadian side and the elevation being surmounted by seven locks. The work under contemplation proposes to do away with the necessity for these seven locks; to permit the navigation using the canal to pass up and down the main river through a single lock; and where there are now seven locks there will be one. In my judgment it is distinctly in the interest of navigation. Not a dollar is to be expended by Congress.

As stated by my colleague, Mr. YOUNG, this company has secured a grant from the State of New York. It owns all the riparian rights. It is proposed to make it give a bond for any damages that may accrue to individuals. This bill is safeguarded in every imaginable way. The right of Congress to alter, amend, or annul it at any time is reserved. In my judgment the passage of this bill will result in a great work at that point, a work that will cost at least \$40,000,000, a work that will generate half a million horsepower that is now going to waste. For time immemorial the waters of this great stream have run down to the sea without being utilized, absolutely wasted.

This private corporation under grant from the State of New York and without one dollar of expense to the Government proposes to create something there where nothing exists now.

I wish to say, as suggested by my colleague Mr. MADDEN, that the company proposes to pay a very material rental every year to the State of New York for this grant. It is paying a small sum now, but when the works are completed a very considerable sum will be paid.

Mr. SULZER. How much?

Mr. RANDELL of Louisiana. It depends upon how much power is generated; but it will be a very considerable sum if the full amount contemplated is generated. Associate Justice Hughes, of the United States Supreme Court, was governor of New York when the measure was passed, and he is said to have investigated it with the greatest care. It received thorough consideration on the part of that great man and was approved by him as being distinctly in the interests of the Commonwealth of New York.

Mr. SULZER. Will the gentleman tell us who is behind this franchise—who is going to put up the \$40,000,000?

Mr. RANDELL of Louisiana. I understand that it is the Aluminum Co. of America.

Mr. SULZER. That may be a big company, but I never heard of it.

Mr. RANDELL of Louisiana. It is a big company, but there are some things the gentleman has not heard of. This company proposes to generate there a large amount of horsepower.

Mr. SULZER. Will the gentleman mention the names of the men interested in this company?

Mr. RANDELL of Louisiana. The president of the company is Mr. Davis, of the city of Pittsburg, who appeared before the Rivers and Harbors Committee, along with a number of other gentlemen who were associated with him. We thrashed the project out before that committee day in and day out for several weeks, hearing both sides and giving the fullest consideration to both sides of the controversy, for some people are opposed to it.

Mr. SULZER. Now give us the names of some of the gentlemen who are opposed to the bill.

Mr. RANDELL of Louisiana. Mr. Allison, who owns a rival power plant on the river, seems to be at the head of it, and there was also a navigation company.

The SPEAKER. The gentleman's time has expired.

Mr. YOUNG of Michigan. Mr. Speaker, I reserve the balance of my time.

Mr. HUMPHREYS of Mississippi. Mr. Speaker, while this bill comes with a unanimous report from the Committee on Rivers and Harbors, or, rather, while it comes without the intervention of any minority report, it comes, I will say, without violating any of the secrets of that committee, with the distinct understanding and declaration at the time that there were a number of us who reserved the right to vote for an amendment, when the bill reached the House, limiting the privilege or permit that Congress is asked to grant to 50 years, but for reasons that I understand fully this bill is brought up under suspension of the rules when no amendment is possible. This was done, I know, not because it was desired by those in charge of the bill to cut us off unnecessarily from the privilege of amending it, and certainly not in any bad faith on their part in view of the understanding in the committee, but because of the fact, which is known to us all, that calendar Wednesday is preempted, and perhaps the only possible way to get this bill before the House was under suspension of the rules, and as we can not possibly pass it with the privilege of an amendment I have demanded a second, and without the privilege of voting to limit the grant in this bill to 50 years I shall oppose it.

Mr. SHEPPARD. May I ask the gentleman a question?

Mr. HUMPHREYS of Mississippi. Yes.

Mr. SHEPPARD. This bill gives a perpetual franchise?

Mr. HUMPHREYS of Mississippi. No; it is not perpetual in this bill. The Aluminum Co. of America, which controls the entire output of aluminum in this country, has under another name been granted a charter by the State of New York, which is perpetual, and under that charter they have acquired rights to go into this river and to develop water power.

They have acquired property on both sides and due consideration of course will be had for the riparian owners if they are injured by flowage or by ice jams in the river. They have gone to the State of New York and made an arrangement with the proper State authorities under which arrangement they will pay the State an exceedingly small rental, in my opinion; but that I conceive is none of my business. They made an arrangement with the State of New York to pay annually in no instance less than \$25,000; 75 cents per horsepower up to 25,000 horsepower and 50 cents per horsepower after that up to 100,000 horsepower, and beyond that 25 cents per horsepower. It is believed by engineers who have examined it that the horsepower development here will equal 500,000, the greatest horsepower development ever undertaken in all the history of this world, possibly twice as much as is developed at Niagara to-day, and under the grant by the State of New York this single company is to control this magnificent water power throughout all the years of time.

Mr. SHEPPARD. Is not that practically a perpetual franchise?

Mr. HUMPHREYS of Mississippi. I shall come to that. They came to Congress then and asked Congress for permission to go into this river and erect these dams, improve the navigation of the river and operate these dams and locks under the supervision of the Secretary of War. It was insisted that Congress had nothing to do with the limitation of the time, that if the State of New York saw fit to grant a perpetual charter it was none of the business of Congress to interfere. I am perfectly willing to agree with that, so far as the State of New York can act, but it has come to us by the chance of fate or perhaps by the fate of chance that we are to pass judgment upon it here, in so far as the Federal Government is concerned.

They can not go into this river and do anything without the consent of Congress. When they came to this Congress and asked for that permission we inserted in the bill that they might come in and make improvements under the supervision of the Secretary of War and the Chief of Engineers for the term of 99 years.

Mr. BUTLER. Mr. Speaker, I understand that the Government has some right at that point, or else we would not be here considering this bill.

Mr. HUMPHREYS of Mississippi. That is my position exactly. If we had no power to act, they never would come to Congress. We have absolute power, and nothing can be done until we act, and my objection is that we are making an exception in this bill in favor of this company that does not apply to any other company. We passed at the last session a general dam act, and under the provisions of that law no company can build a dam across any navigable stream in this country, except under the limitations of that bill, which is fixed at a period of 50 years, except such companies as may at that time have entered upon an enterprise of that sort, and had expended a certain amount of money. This company is the only one, so far as I know, that comes within that exception, and the proposition now comes to us to except this company from the provisions of the bill which applied to all other companies, giving them a lease for 99 years instead of 50 years.

Mr. BUTLER. I would like to ask the gentleman if the Government has any practical rights here, and if the Government is asked to part with that, how much is the Treasury of the United States to be helped by it?

Mr. HUMPHREYS of Mississippi. How much is the Treasury—I did not catch the question of the gentleman.

Mr. BUTLER. If the Government has any rights to part with, what benefit will the Government obtain?

Mr. HUMPHREYS of Mississippi. The Government will obtain a benefit from this bill, in my opinion a very great benefit. I think it would be a great aid to navigation, and the improvement will be made there without a single dollar of cost to the Government. My objection is not to that. I believe the bill is properly safeguarded, but I believe that we ought to fix a time at which this privilege should end.

Now, it is insisted that the provisions of this bill are carefully guarded by the right to repeal or to amend the act. We know that amounts to nothing. That puts the burden on the Government. It will be upon us to put a bill through this House and to put a bill through the Senate and then go to the joint commission provided by treaty with Canada and get their consent to it before we can ever ingraft any amendment on it. We agreed with Canada, by solemn treaty, that no such construction as this could be put in the St. Lawrence River without the consent of the Canadian Government, the United States Government, and the approval of this joint high commission, and I believe that hereafter, if we should ever undertake to interfere with the privilege we have granted to this company, we would have to have that same consent.

Mr. AUSTIN. Will the gentleman permit a question?

Mr. HUMPHREYS of Mississippi. Certainly.

Mr. AUSTIN. Is it not a fact that Congress granted to the Hale Bar Development Co., just below Chattanooga, a perpetual franchise?

Mr. HUMPHREYS of Mississippi. No; they held them to 99 years.

Mr. AUSTIN. Does the gentleman think that any company with means sufficient to develop this water power and improve navigation will go on and expend \$40,000,000 on a 50-year franchise?

Mr. HUMPHREYS of Mississippi. Mr. Speaker, I heard the chairman of the great Committee on Rivers and Harbors, when that question was submitted to him, say that this was a bill to float steamboats and not to float bonds, and I am going to make that reply to the gentleman.

Mr. AUSTIN. But does the gentleman think he could proceed on that theory—

Mr. HUMPHREYS of Mississippi. I do not know. I never undertook to finance a \$40,000,000 corporation or to float its bonds.

Mr. SULZER. Is the gentleman in favor of perpetual franchises?

Mr. AUSTIN. Yes; where it means as much for navigation, the development of our resources, the expenditure of \$40,000,000, and a just revenue to the State of New York as this company proposes to do.

Mr. HUMPHREYS of Mississippi. How much time have I remaining?

The SPEAKER. Ten minutes.

Mr. HUMPHREYS of Mississippi. I now yield to the gentleman from Ohio [Mr. LONGWORTH].

Mr. LONGWORTH. Under this bill the entire water power is owned by this development company.

Mr. HUMPHREYS of Mississippi. Yes.

Mr. LONGWORTH. Is there any limit fixed as to what charge they may make to other users?

Mr. HUMPHREYS of Mississippi. None.

Mr. LONGWORTH. The only limit is as to the amount that shall be paid to the State of New York.

Mr. HUMPHREYS of Mississippi. That is all.

Mr. LONGWORTH. They would have the right to charge any amount they saw fit—

Mr. HUMPHREYS of Mississippi. Any amount they can collect.

Mr. LONGWORTH. How much would the capacity of this company be—how much horsepower? I see they expect to develop 500,000 horsepower.

Mr. HUMPHREYS of Mississippi. Well, that question is not satisfactorily answered; perhaps certainly not more than 50,000 horsepower.

Mr. LONGWORTH. Then that would leave 450,000 horsepower that it might dispose of in any way it saw fit.

Mr. YOUNG of Michigan. If the gentleman will permit—

Mr. HUMPHREYS of Mississippi. Mr. Speaker, I can not yield now; the gentleman can explain in his own time. Now, Mr. Speaker, I do not object to this because it is a corporation that is being granted this franchise. I have no quarrel with corporations as such. I do not object to it because it is big business, because it is a great corporation, because it is the greatest undertaking in all the history of this country. I am willing to give the permission of Congress to this great corporation, to this great giant, because it will require a giant to go into that river and harness the power that is now running to waste, but I do not want to create a giant that will prove a Frankenstein monster to return and plague us. It is not advisable, in my opinion, for us to give, so far as it lies in our power, to any one company the right, the exclusive right, to go into that river for any purpose for all the years of time. And I believe it ought to be subjected to exactly the same limitations which apply to every other company when they undertake to build a dam across any other stream in this country for the purpose of developing water power, and that is 50 years.

I now yield three minutes to the gentleman from Wisconsin [Mr. COOPER].

Mr. COOPER of Wisconsin. Mr. Speaker, the bringing of this very important bill into the House to be passed under suspension of the rules shows again the absolute necessity for another amendment to the House rules. There should be a suspension calendar, so that gentlemen may know what measures are to be considered, and especially that any measure of this magnitude is to come up. It is just as important to have a suspension calendar as to have a Unanimous Consent Calendar. In my judgment, if the committee will pardon me for saying it, it is asking a good deal to ask the House of Representatives to pass a bill of this character under suspension of the rules and after a debate of only 20 minutes on a side. It involves the expenditure of \$40,000,000. It involves the giving to a private corporation the control, practically, of a great stream, one of the most important in the world, and gives it to them for 99 years.

Mr. SULZER. Perpetuity.

Mr. COOPER of Wisconsin. Practically. It seems that there was objection made to the bill while before the committee. We have been told that there appeared before the committee a little man who made some complaint, as did also a transportation company. I would like to know what the objections of the little man were, and also what protests the transportation company made.

I am opposed to legislating in this way. I will not vote to give any corporation a 99-year franchise in the St. Lawrence River after only a 20-minute debate on either side of the House and with no opportunity for amendment.

Mr. HUMPHREYS of Mississippi. Does the gentleman from Michigan intend to conclude in one speech? I suggest that he use his time.

Mr. YOUNG of Michigan. Mr. Speaker, how much time have I left?

The SPEAKER. The gentleman has 10 minutes remaining.

Mr. YOUNG of Michigan. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. MALBY].

Mr. MALBY. Mr. Speaker, the objections to the passage of this bill would seem to be those only stated by the gentleman from Mississippi [Mr. HUMPHREYS] with reference to the extent of this franchise.

I think it must be conceded by all that the State of New York, as well as most other States in the Union, owns the bed of navigable streams and also owns the water power. This being so, this company sought the proper authority, to wit, the Legislature of the State of New York, and was granted by it a perpetual franchise and charter, in consideration of the company paying to the State of New York, when the full maximum power of 500,000 feet is ever reached, \$156,000 a year, and also bearing the entire expense of making suitable provisions for navigation. It is not exempted from taxation for any other purposes whatsoever. The Government of the United States has no property rights in this enterprise. The only right it has is to provide for navigation, which is derived from that provision of the Constitution which authorizes Congress to regulate commerce. So far as the business proposition is involved, it is entirely within the jurisdiction of the State of New York and with which the Government of the United States has no interest and is without authority. We have made no objection to Congress inserting anything in this bill which it thought necessary to protect and improve navigation, and we have raised no objection to the Committee on Rivers and Harbors inserting in this bill any condition which they please to improve commerce, which is their constitutional right. And they have no other authority or right, I respectfully insist, legal or equitable, under the Constitution.

Mr. SULZER. Will the gentleman be content to limit this valuable franchise to 25 or 50 years?

Mr. MALBY. No; we would not. Nobody would undertake to expend \$40,000,000 on the St. Lawrence River at a point where there is not a single horsepower demanded at the present time and which will require 10 or 15 years to develop under a 50-year franchise, and no one ought to be found outside of an insane hospital who would suggest that even with a 50-year franchise anyone would be so foolish as to invest his money in it.

With all due respect to my friends here, I submit, as a matter of law, that the National Government has no legal right to limit the lifetime of a corporation where it has received its charter from a sovereign State, the State alone having absolute power to determine the lifetime of a charter created by it.

Mr. PARSONS. Will my colleague yield to a question?

Mr. MALBY. I will.

Mr. PARSONS. What is the effect of section 7 of the act, which reserves the right to alter, amend, or repeal the act, and provides that the United States shall incur no liability because of the alteration, amendment, or the repeal? Even if they had spent their \$40,000,000, could not the Congress then repeal the act?

Mr. MALBY. That is one of the safeguards that is mentioned in the bill. Congress has the right to repeal this charter at any time, without the 50 years' limitation, or without a 10-year limitation, or, indeed, without the limitation of any time, should they see fit for good reason to do so.

So that a limitation in this bill means very little, except that it would be impossible to float any bonds whatever upon such a project by reason of the fact that investors would be frightened by such a provision. Now, I want to say one word in reference to the suggestion of my friend from New York, Mr. SULZER. This matter has been in Congress four years. It has been considered by the River and Harbor Committee during all of that time. Two committees have visited the site in question, one recently, during the fall. The Secretary of War, the Chief Engineer of the United States, the International Waterways Commission have considered it, and it has met with the unanimous approval of all. It applies to the district I have the honor to represent. I know very well that in order to set this gigantic proposition in motion it is absolutely necessary that the bill should be passed as it is and without limitations.

Furthermore, not one word of objection has ever come to any Member of Congress that I have heard of, certainly to no committee having the matter in charge, that the State of New York objected to it. More than that, I heard a rumor such as the gentleman from New York mentioned, that the New York authorities were opposed to this measure, and I telegraphed to Mr. Merritt, of St. Lawrence County, who passed the bill four years ago in the New York Legislature, and asked him the question whether anyone in authority in New York State was opposing the passage of this bill, and in reply thereto received a telegram from him this morning which reads as follows:

Am assured no interference whatsoever. Have written.

E. A. MERRITT, JR.

And a little later a further telegram, reading as follows:

ALBANY, N. Y., February 7, 1911.

Hon. GEO. R. MALBY,

House of Representatives, Washington, D. C.:

Gov. Dix directs me to assure you that he has not interested himself in matter of the Long Sault Co., and has not authorized any person to express for him any wish or opinion, officially or otherwise, regarding the bill pending in Congress affecting such company.

E. A. MERRITT, JR.

So far as I know there is no objection anywhere, and if this enterprise is to go on the company must have the 99-year provision that is mentioned in the bill, and I trust the House will enable them to make some use of this marvelous water power which for centuries has contributed no good to any live human being wherever he may reside. [Applause.]

Mr. HUMPHREYS of Mississippi. I now yield two minutes to the gentleman from Washington [Mr. HUMPHREY].

Mr. HUMPHREY of Washington. Mr. Speaker, as one of the members of the committee, I voted to report this bill to the House, because I think that it is properly safeguarded in every respect, except as to the time of the grant. I did object to that feature of it, and I regret very much that it has been brought into the House under the suspension of the rules, where no opportunity is given for amendment. I am not criticizing the gentleman who brought it in, however, because we all know the emergency that now exists in trying to get legislation through. But I do not believe that we ought to grant a franchise for 99 years. I see no reason why this company should be made an exception simply because it is a large company. That does not appeal to me as a reason why it should be 99 years instead of 50 years, the same as we grant to others.

For that reason, as much as I regret it, I believe the House ought not to pass the bill in the shape in which it now is. As I said in the beginning, I think the bill is well guarded. It is a great undertaking, and it will be of advantage in many ways to the Government, but I do not believe we can afford to make an exception in this particular as to this company.

Mr. MARTIN of South Dakota. I would like to ask the gentleman a question.

Mr. HUMPHREY of Washington. I will yield.

Mr. MARTIN of South Dakota. I would like to get the gentleman's opinion as to how the bill, if passed, would affect what is the commonly understood policy of the Government in conserving the control of water power.

Mr. HUMPHREY of Washington. I do not think there is any danger in that regard. I think the interests of the Government are properly conserved, except I do not believe that we ought to extend the permit to 99 years.

Mr. HUMPHREYS of Mississippi. I now yield five minutes to the gentleman from New York [Mr. SULZER].

Mr. SULZER. Mr. Speaker, this bill contemplates the greatest development of water power ever before attempted under one charter. The capital stock of the Long Sault Development Co. is \$1,000,000. It is all owned by the Aluminum Co. of America, which has a paid-in capital of \$20,000,000 and has the absolute monopoly of aluminum in the United States. The Long Sault Development Co., chartered by the State of New York, May 23, 1907, is given by its charter the exclusive right for all time to the use of the waters of the St. Lawrence River for the development of electrical power "at or near Long Sault Island." The amount expected to be developed is a minimum of 500,000 horsepower. The total developed and potential electrical horsepower for the United States in 1908 was 1,827,000 horsepower, and the total developed at Niagara was 274,040 horsepower.

This is a most important measure, not only to the people of the State of New York, but to the people of the entire country. It should not be rushed through Congress. It ought not to be brought up now for expedition under a suspension of the rules, with no opportunity for amendment or thorough consideration by the membership of this House. I am informed the authorities of the State of New York at the present time are opposed to this bill, and that an effort is going to be made to repeal the State charter; but be that as it may—

Mr. YOUNG of Michigan. Will the gentleman give the source of his information?

Mr. SULZER. I refer the gentleman to the Hon. Charles E. Littlefield, a former Member of this House.

Mr. YOUNG of Michigan. He was the gentleman that appeared before the committee stating that he represented 10 or 12 companies in his opposition, and afterwards admitted that he represented but one.

Mr. SULZER. I have great respect for Mr. Littlefield's judgment. Does the gentleman from Michigan dare to challenge his assertions?

Mr. YOUNG of Michigan. In that respect, yes.

Mr. SULZER. Very well; but let me say to the gentleman that if this franchise bill does not go through to-day, watch out, because I think Mr. Littlefield will stop it. [Laughter.]

Now, Mr. Speaker, it appears from the statements we have before us that the compensation reserved by the State of New York in its charter is grossly inadequate. If the State of New York and the United States believe that their natural resources should be properly conserved, I submit that it should not begin the process of conservation by contracting for a compensation

for all time that is grossly inadequate, and with the peculiar provision that might, by virtue of the action of the Canadian Government in asserting its proper rights, deprive the State of New York of substantial compensation. It is believed that when the Canadian Government acts with full information and in accordance with its present well-settled policy, it would not dream of granting these vast rights under conditions which make them practically a princely gift rather than the assumption of any burden appreciable in its character by the donees of the rights.

In his presidential message at the opening of this Congress, President Taft indicated clearly the policy that should be pursued by the Federal Government, which would require a leasing—

for not exceeding 50 years upon a proper rental, and with a condition fixing rates charged to the public for units of electric power; both rentals and rates to be readjusted equitably every 10 years by arbitration or otherwise, with suitable provision against assignments to prevent monopolistic combinations.

Congress adopted a similar policy at the Sault Ste. Marie with reference to the Michigan Lake Superior Power Co., then in the hands of receivers, with an expenditure of about \$7,000,000 already made in developing water power, when it provided—

That a just and reasonable compensation shall be paid for the use of all waters or water power now or hereafter owned in said St. Marys River by the United States, whether utilized in said river or in any lateral canal (Michigan Lake Superior Power Co.), said compensation to be fixed by the Secretary of War.

What is the proposition before us? We are asked to ratify a franchise admitted to be worth at least \$40,000,000, but in reality estimated to be worth hundreds of millions of dollars, which gives to a private corporation the power rights of the St. Lawrence River, the greatest power monopoly perhaps outside of Niagara Falls in this country. There is another bill pending in the Committee on Rivers and Harbors, from whence this bill comes, to give another company the power monopoly of Niagara Falls, but there has been so much opposition to it that the committee have not dared to report it. These bills should not be passed without conserving the rights of the people. We represent the people here, and we should conserve the people's rights. I have listened to speeches in this House for months and years against granting monopolies in water powers. Here is an opportunity to practice what we preach. Here is a chance to conserve the rights of all the people. No man in favor of real conservation of our natural resources can vote for this bill, which violates every principle of our conservation policy.

In conclusion, let me say this bill ought not to pass to-day. It should come up in the regular way, and every Member given an opportunity to debate it and to amend it. In the judgment of those most familiar with the underlying facts the Congress will not be justified in concurring with the New York Legislature in making effective its attempt to turn over to the Aluminum Co., with its monopoly of aluminum products, for practically no consideration, the monopoly of these stupendous natural resources of the St. Lawrence River. [Applause.]

The SPEAKER. The time of the gentleman from New York has expired.

Mr. YOUNG of Michigan. Mr. Speaker, just a few words in reply to some of the gentlemen who have spoken. First, I would like to say to my friend from Pennsylvania, who asked a question in regard to the property rights of the United States in this stream, that under numerous decisions of the Supreme Court of the United States they have no property rights in this stream, and the State of New York has, and the State of New York has provided in her statute that she shall be amply compensated for their use. The right the United States has is the jurisdiction to preserve the rights of navigation, and that we have amply provided for in this bill at the expense of this company.

Mr. PARSONS. Will the gentleman yield for a question?

Mr. YOUNG of Michigan. Yes.

Mr. PARSONS. Has the War Department made any objection to this bill?

Mr. YOUNG of Michigan. The War Department has distinctly approved it.

Mr. PARSONS. Has the State Department made any objection to it?

Mr. YOUNG of Michigan. It has not.

Mr. FISH. Will the gentleman yield for a moment?

Mr. YOUNG of Michigan. Yes.

Mr. FISH. Has the State Department been consulted by the committee?

Mr. YOUNG of Michigan. The State Department, as far as I know, has not been consulted; but I will say this, that a representative of the ambassador of Great Britain who was

before us was advised to go before the State Department and consult with the Secretary, and if he had any objection, or if the ambassador after such consultation had any objection, it could be brought to our attention, and we never heard another word from him.

Mr. HUMPHREYS of Mississippi. When did the War Department approve it, and how?

Mr. YOUNG of Michigan. Last winter.

Mr. HUMPHREYS of Mississippi. The bill provides that the War Department shall make examination to ascertain whether or not they will approve.

Mr. YOUNG of Michigan. Oh, no; that is the construction—the work that is to be done.

Mr. MARTIN of South Dakota. Does the gentleman from Michigan claim that the State of New York has any other or further rights over the bed of this stream than any State has over any navigable stream?

Mr. YOUNG of Michigan. Why, certainly; about two-thirds of the States of this Union own the bed of the streams and about one-third do not.

Mr. MARTIN of South Dakota. Then I have probably come to the right source for information.

Mr. HUMPHREYS of Mississippi. Has not the War Department to pass on these plans?

Mr. YOUNG of Michigan. Absolutely.

Mr. HUMPHREYS of Mississippi. But the gentleman stated all they had to do was to pass on the work.

Mr. YOUNG of Michigan. That is the nature of the work. I hope the gentlemen will not take all of my time. Another objection has been raised here. It was suggested that this would mean an exception under the general dam law. Why, this bill is exactly under the general dam law.

The dam law itself provides that franchises shall be limited to 50 years, except in cases where a company has already received a charter from the State or the United States and expended money under it. That is this case. This company has already expended one million and three-quarters of money. Another gentleman asks how does this fit in with the doctrine of conservation? I wish to say that it fits in absolutely. Under the legislation of the State of New York compensation is exacted by that State, and under this bill this company is compelled to provide for navigation. Under this joint legislation of State and Nation the waters of the St. Lawrence River are conserved and taught to do the work of man. Without this or similar legislation they will run to waste in the future, as they have run to waste for countless ages in the past.

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken; and on a division (demanded by Mr. YOUNG of Michigan) there were—ayes 66, noes 84.

So (two-thirds not having voted in favor thereof) the motion was rejected.

TO PROTECT LOCATORS OF OIL AND GAS LANDS, ETC.

Mr. SMITH of California. Mr. Speaker, I move to suspend the rules and pass the bill H. R. 32344.

The SPEAKER. The gentleman from California moves to suspend the rules and pass the bill indicated. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 32344) to protect the locators in good faith of oil and gas lands who shall have effected an actual discovery of oil or gas on the public lands of the United States, or their successors in interest.

Be it enacted, etc., That in no case shall patent be denied to or for any lands heretofore located or claimed under the mining laws of the United States containing petroleum, mineral oil, or gas solely because of any transfer or assignment thereof or of any interest or interests therein by the original locator or locators, or any of them, to any qualified persons or person, or to a corporation, prior to discovery of oil or gas therein, but if such claim is in all other respects valid and regular, patent therefor not exceeding 160 acres in any one claim shall issue to the holder or holders thereof, as in other cases: *Provided, however,* That such lands were not at the time of entry into possession thereof covered by any withdrawal.

The SPEAKER. The Chair understands the gentleman to move to agree to the amendment contained in the bill and to pass the bill as amended. Is a second demanded?

Mr. MANN. Mr. Speaker, I demand a second.

Mr. SMITH of California. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The gentleman from California [Mr. SMITH] is entitled to 20 minutes and the gentleman from Illinois [Mr. MANN] to 20 minutes.

Mr. SMITH of California. Mr. Speaker, I do not care to occupy the time in discussing the bill other than is stated in the report, unless there are questions which the gentleman desires to propound.

Mr. MANN. If the gentleman does not wish to occupy time in the discussion of the bill, neither do I.

Mr. SMITH of California. Then, Mr. Speaker, I call for a vote.

Mr. JAMES. I think the gentleman ought to explain the bill.

Mr. MANN. We can pass a pig in poke here, I believe, under suspension of the rules.

Mr. SMITH of California. I thought perhaps the gentlemen had read the report, which, I think, states the case fully. In a nutshell, the bill provides for the relief of those who made placer-mining entries, and conveyed them to a corporation or to another party before the discovery of the metal. Now, that practice was followed for a number of years and finally it was stated before the Interior Department, and upon a thorough and careful examination of the law the Interior Department was obliged to conclude that if the conveyance was made before discovery it conveyed nothing, and therefore the grantee had taken nothing from the grantor and could not proceed to patent. Now the department heartily recommends this relief for those who made these conveyances before the new ruling on the law.

Mr. JAMES. Will the gentleman permit a question?

Mr. SMITH of California. Certainly.

Mr. JAMES. It has always been the law, though, that the locator had to be in good faith and had taken the land for his own use.

Mr. SMITH of California. Not necessarily for his own use in mining cases; they were always subject to conveyance before patent.

Mr. JAMES. But I understand that must be the original purpose when he lays claim to the land.

Mr. SMITH of California. Yes.

Mr. JAMES. Now, under this bill which the gentleman has before the House these persons who have gone and made these locations would be denied under the law a patent to land from the Government because they had deeded or contracted to deed that property to corporations. This would give the corporations the right, or rather the men the right, to have this land patented, which in effect would go into the hands of corporations.

Mr. SMITH of California. No; it does not give the right to the corporations. I will ask the gentleman from Wyoming [Mr. MONDELL] to explain this.

Mr. MONDELL. I will say to the gentleman from Kentucky the mining laws are peculiar and differ from all other land laws of the United States in this, that the locator of a mining claim—not a coal claim, but a mining claim—has the right to transfer it at any time. He can agree to transfer even before he makes the location. The difficulty in these cases, however, is this: That the legal initiation of a mining claim depends upon a discovery of mineral, and in case the land contains oil or gas the oil or gas lies at such a depth that the discovery can not ordinarily be made at the time the locator goes upon the land. It requires deep drilling to make the discovery. Now, if the discovery were made, the locator could transfer to a corporation, or various locators could form a corporation, and it would be entirely regular; but in the Yard decision, rendered a few days ago, the department held if the transfer was made prior to the actual discovery it amounted to an abandonment, and that therefore even the locators themselves, though they still retained their interest, if that interest was in the form of an interest in a corporation, could not obtain title to the land.

Now, ever since the placer law has been applied to oil and gas lands the department has paid no attention to the question of when the discovery was made, but in the recent Yard decision they said the discovery must be made prior to a transfer. The department, however, saw that the effect of that decision would be to practically nullify a large number of locations that had been made, and so suggested that we provide that as to locations heretofore made they should be relieved from the effect of the Yard decision, and, if in all other respects the claim is regular, it should go to patent.

Mr. JAMES. Will the gentleman yield?

Mr. MONDELL. I will be glad to do so.

Mr. JAMES. What corporation is this bill primarily introduced for?

Mr. MONDELL. This is practically intended to relieve every oil locator in the United States. I have had some knowledge of the way in which oil locations are made, and I think there are very few cases where the original locators, all of them, as individuals, hold their rights as individuals at the time when the discovery is made, because even though all the original locators retain their interest, they ordinarily retain them in the form of a corporation, because the sinking of a well is a very expensive procedure, and the ordinary individual or co-partnership can not raise the money to carry on the work.

Mr. ROBINSON. Will the gentleman yield?

Mr. MONDELL. In just a moment. So it is intended to relieve the great majority of the oil and gas locators in the United States, and the department was so impressed with the fact that this was practically the universal practice under the placer laws as related to oil and gas lands, that they recommended they be relieved.

Mr. JAMES. If this law does become effective, the result will be that in as much as the Government heretofore provided a citizen could only take up 160 acres of land, it will practically lodge into the hands of corporations many times 160 acres of land?

Mr. MONDELL. I will say to the gentleman, it does not affect the mining law in any respect whatever, except that in passing upon the validity of claims the question as to when the discovery is made, whether it was made by the original locator or made by his grantees, shall not be raised, and it never has been raised in all the history of our Government until the Yard decision a few days ago.

Mr. ROBINSON. Will the gentleman from Wyoming yield to me to make a statement?

Mr. MONDELL. I will be glad to yield to the gentleman to make a statement.

Mr. SMITH of California. I will yield to the gentleman from Arkansas [Mr. ROBINSON] five minutes.

Mr. ROBINSON. Mr. Speaker, this measure has received very careful consideration by the Committee on the Public Lands. The situation existing in the oil-producing sections of the State of California, especially with regard to oil and gas lands, demands that some such legislation be enacted. The statutes that relate to oil and gas lands permit, briefly stating it, persons to enter 20 acres each, and as many as 8 persons to combine their interests. The sole purpose of this bill is to give relief in a class of cases which, in my judgment, are meritorious. It developed in the very extensive hearings had by that committee that in the operations that have occurred, especially in the State of California, it has been necessary for persons to combine their interests, under the statute, in order that capital may be secured to prosecute discoveries and to operate with after discovery. This bill is intended to permit parties to secure patents where the transfers were made prior to discovery, the decision in the Yard case, which has been applied to oil and gas lands by the Department of the Interior, holding that where the transfer was made before the discovery of oil only 20 acres should be patented. It does not in any other respect change the statute.

The hearings developed the fact that the conditions require that some speedy relief be granted, and I sincerely hope that the bill may be passed.

Mr. MARTIN of South Dakota. Are there conflicting claims to any portions of the land that would be affected by this legislation?

Mr. ROBINSON. Not that I know of.

Mr. MARTIN of South Dakota. Is any portion of these lands affected by the withdrawal of June, 1910, referred to in the report?

Mr. ROBINSON. The amendment which the committee adopts provides that such lands were not at the time of entry into possession thereof covered by any withdrawal. This bill does not affect withdrawals.

Mr. MARTIN of South Dakota. Yes; but has the withdrawal been made since the transfer of the claim and before discovery?

Mr. ROBINSON. I did not hear distinctly the gentleman's question.

Mr. MARTIN of South Dakota. I am unable to quite understand the purpose of this legislation. For instance, a location, we will say, is transferred before the discovery is made. If the transferee proceeds and makes a discovery, there is a way for him to proceed.

Mr. ROBINSON. He could not get a patent under the decision in the Yard case for more than 20 acres. This will permit him to get a patent to 160 acres.

Mr. MARTIN of South Dakota. Then the purpose is to give him a larger area?

Mr. ROBINSON. Yes; but the statute now permits a consolidation to be made to an amount of 160 acres, but the departmental construction denies patent where the transfer was made before the discovery.

Mr. MARTIN of South Dakota. The purpose is to allow the transferee to obtain title to 160 acres, whereas the original locator, if it had been held in the hands of the original locator, could not obtain but 20 acres.

Mr. ROBINSON. They could obtain title to 160 acres, provided the discovery had been made before the consolidation.

Mr. MARTIN of South Dakota. But the discovery was made afterwards.

Mr. ROBINSON. Then they could only get 20 acres.

Mr. FOSTER of Illinois. Will the gentleman yield to me?

Mr. ROBINSON. Certainly.

Mr. FOSTER of Illinois. Why is it necessary to secure more than 20 acres?

Mr. ROBINSON. That is a pertinent question, and that was entered into fully in the hearings before the committee. It developed there, and, I think, to the satisfaction of everybody, that it was necessary in order to secure sufficient capital. The investment required for sinking oil wells in the California fields and for the operation of them is very large. It has been disclosed by the hearings that as much as half a million dollars in a single plant was in some instances invested before oil was found, and it is considered necessary, and, in fact, the statute recognizes it by permitting the consolidation of as many as eight entries, to combine the 20-acre holdings for operation.

Mr. SMITH of California. I hope the gentleman on the other side will use a portion of his time.

Mr. MANN. I yield to the gentleman from Illinois [Mr. FOSTER] five minutes.

Mr. FOSTER of Illinois. Mr. Speaker, I would like to ask this question: The gentleman from Arkansas claims that it is necessary to have a larger amount than 20 acres of ground for oil purposes?

Mr. ROBINSON. That is the unanimous statement of men engaged in the operation of oil claims. I want to say that the law now in existence recognizes that fact, because it permits as many as eight separate claims to be consolidated. That is a distinct recognition of the fact. If they had made the discovery before the transfer, the patent would have been permitted, but since the discovery was not made before the transfer, the patent is not permitted to more than 20 acres, notwithstanding discoveries have since been made.

Mr. FOSTER of Illinois. Suppose eight men each have 20 acres of ground and there is oil under it, it is not necessary for those eight men to consolidate in order to lease or do the drilling. The fact is that ninety-nine out of every hundred, I might say, almost universally, men who own land that has oil under it do not develop that land themselves, but lease it to some company, who takes the contract and pays them a royalty. So I am unable to understand, under these conditions as they exist, wherever oil is found in the United States, why it is necessary that they should consolidate and have 160 acres, except that it gives some individuals more territory to drill on; not that they would use it themselves, but that each one of them leases to some party who does the developing.

Mr. PARSONS. They have nothing to lease until they get a patent to it. This is to give them a patent.

Mr. CRAIG. Will the gentleman from Illinois yield?

Mr. FOSTER of Illinois. Yes.

Mr. CRAIG. The gentleman from Illinois assumes that there is oil on the 20 acres, but, as a matter of fact, the men who are affected by this legislation are mere prospectors. They do not know whether there is oil under the 20 acres or not, or whether there is oil under the 160 acres. They go and drill; they drill a hole here and a hole yonder, and spend perhaps \$20,000 or \$30,000 and get nothing, and under the law as it stands to-day they have no right to transfer—

Mr. FOSTER of Illinois. I would like to ask the gentleman this question: In case they find oil on the Government land, do they pay a royalty to the Government?

Mr. CRAIG. In case they find oil, they get their patent under the law, but nobody gets any rights under the mining law until the discovery is made, and the discovery of oil is not made until it comes up out of the ground.

Mr. FOSTER of Illinois. This proposition exists wherever you find oil, that a man goes out and leases land and takes his chances as to whether he finds oil or not, and if he finds oil, then his lease is worth something, but it is not worth a dollar until he does find it, if it is on private land. Now, I have seen a little something of this myself, and I know it is said here that men spend \$20,000 or \$30,000, but that does not make any difference, whether on Government or private land, because the same thing is done on private land in every oil field in the United States.

Mr. PARSONS. Will the gentleman yield for a question?

Mr. FOSTER of Illinois. Yes.

Mr. PARSONS. Has not the gentleman the situation in mind where the oil underlies private land and in such cases can not a corporation do the drilling so as to make the discovery?

Mr. FOSTER of Illinois. Well, they do it under the Government land in the same way.

Mr. PARSONS. They do not; and that is just the difficulty. Mr. FOSTER of Illinois. When they find the oil, then they get the patent.

Mr. PARSONS. If you want to raise money and do it in the form of a corporation, you can not do it now unless you pass this bill, because your chief expenditure is your initial expenditure of drilling your well.

Mr. FOSTER of Illinois. You would meet that difficulty any place, whether on public or private land.

Mr. PARSONS. On private land people can combine in the form of a corporation and spend the money of the corporation in drilling the land, but as the law now is, under this provision referred to, that can not be done on Government land.

The result is that lots of people, not knowing that that was the law because there had never been a ruling on it, as the papers did not show whether there had been a transfer before its discovery or not, and so this decision came only recently—lots of people who wished to discover oil and wished on Government land to make use of the means of raising money that they would in discovering oil on private land, after they made their locations by having a corporation drill and then discover oil, found that the law did not allow that. It is to allow them after they have made their locations to combine together and raise their money and make their discoveries.

The SPEAKER. The time of the gentleman has expired.

Mr. FOSTER of Illinois. Does that apply to all lands?

Mr. PARSONS. Government lands everywhere—California, Idaho, Wyoming, Oklahoma, Colorado—everywhere.

Mr. MANN. Mr. Speaker, I yield five minutes to the gentleman from Kentucky, Mr. JAMES.

Mr. JAMES. Mr. Speaker, my objection to this bill is simply this. The Congress of the United States has made certain laws relative to the patenting of coal and mineral lands. Now, it seems as if every time a corporation gets hold of some of this land and finds out that in order to make its title secure it has to violate the law; they come to Congress and tell us to repeal the law that they have to violate in order to get possession of the land that the ordinary fellow down in my country or anywhere else in the United States is denied the right to title by the Government for the very same reason that the corporation was denied the right and title to that land. The ordinary citizen bows obediently to the law; the corporation or syndicate says repeal it; get it out of our way.

The corporation goes and gets possession of land. They find out that in order to make their title secure they will have to remove a law made and passed by Congress which is in their way. Then they come to Congress and ask us to repeal the law. I believe that every law placed upon the statute books ought to stand there against every applicant, big and little, corporation or private individual, every man alike. Every man should stand upon the same footing; all should look alike and be treated alike.

Now, you take the Cunningham coal claims. There are many men who have gone to Alaska, some of them poor men. They have made claims there under the law. The law has denied those poor men the right to the land, but along comes a mighty syndicate with millions like that back of the Cunningham claims, and it finds in its way the same law the poor man found in his way, but not like the poor do they bow to it, but they come and ask us to repeal it, and let them get it out of their way so that they can get the land. [Applause.] I do not know anything particular about this bill here except what is shown by the report on it, but if the men who deeded this oil land to the corporation could not, as the department said, deed something that they did not then own and did not know of this law and it denied to the ordinary man the right to a patent to that land, the same law denied this corporation the right to a patent to the land. If laws are bad ones repeal them, so that all may benefit by the repeal, but do not enter into the practice of repealing laws for the favored few.

Mr. SMITH of California. Will the gentleman permit a question?

Mr. JAMES. Yes.

Mr. SMITH of California. Does the gentleman not know, as a matter of fact, 10, 12, or 15 years, the Government did give a patent to these corporations and individuals who held guarantees before discovery, and that practice was universal?

Mr. JAMES. The gentleman has asked me a question, and I will try to answer it. All I know is this, that we find the gentlemen who compose a corporation for whom this bill is primarily intended find a law standing in their way that prevents them from getting a title to the public land. That is the same law that applies to every individual in the United States, and I am opposed to making flesh of one and fowl of another. [Applause.] If you are going to make these laws liberal, so

every man can get part of the spoils, then make it that way, but do not make it one way, and then when the poor man runs up on it he has to lay down, and when the rich man or corporation runs up on it they proceed to ask Congress to repeal it.

Mr. PARSONS. This is primarily on behalf of the poor man, because the poor men have to combine to get the money.

Mr. JAMES. I doubt that exceedingly; but whatever the facts, I am opposing the repeal of law for some and the enforcement of it against others.

Mr. MANN. Mr. Speaker, I yield five minutes to the gentleman from Wisconsin [Mr. LENROOT].

Mr. LENROOT. Mr. Speaker, I would like to ask the gentleman from Wyoming one or two questions. The first is in regard to proposed amendment:

Provided, however, That such lands were not at the time of the entry into possession thereof covered by any withdrawal.

Mr. MONDELL. It is not intended to grant this relief to any one entering upon lands covered by withdrawals.

Mr. LENROOT. Does this clause enlarge the general law in any respect?

Mr. MONDELL. Well, I think it makes it better, because it makes it very plain that relief from the Yard decision shall not extend to any one who went upon the lands while they were withdrawn.

Mr. LENROOT. I say to the gentleman: In the law we passed last year this provision is found:

That the rights of any person who at the date of any order of withdrawal, heretofore or hereafter made, who is a bona fide occupant or claimant of oil or gas bearing lands, and who at such date is in diligent prosecution of work leading to the discovery of oil or gas, shall not be affected or impaired by such order so long as the occupant or claimant shall continue in diligent prosecution of said work.

Now, it occurs to me that the last clause in this bill touching this matter may enlarge that somewhat.

Mr. MONDELL. I will say to the gentleman the intent of it was not to enlarge it, if I understand what he means by enlargement, but to make it clear that this relief should not be granted to anyone who was on land when withdrawn. Now, there may be a question as to whether withdrawals of land prior to the passage of the so-called picket bill will be held by the courts to be valid, or if they were held to be invalid, still we insist that whether it be valid or not no one shall have the benefit of the law who was on the land when its withdrawal was made.

Mr. LENROOT. And so far as the law itself is concerned it is limited solely to the question of not refusing a patent because of the transfer.

Mr. MONDELL. I understand, but we limit the relief from the effect of the Yard decision to those who went on land when there was no sort of withdrawal against it of any sort or kind, and the intent was to go further than we did in the picket bill, if possible, and to limit this right to those where there can be no question of good faith.

Mr. LENROOT. Is it not possible with this language the construction would be that where withdrawals have taken place and entries have been made, and the entrymen have not complied with the law, that they, too, will be given the benefit of this law?

Mr. PARSONS. No; it is broader than that. The controversy in the committee, I will say, is this: This relief was sought on property of locators who had gone on oil lands after the Executive withdrawal and before we passed that act; but the committee was unwilling that the act should give any relief to people who had gone on in the face of the Executive withdrawal, even though they claimed, and even though the law may say that the withdrawal was not legal, and we have thought it ought to be wiped out, and that is why the proviso was put on.

Mr. LENROOT. One other question. Under the mining laws is it necessary that the claimant initiate his entry in good faith? That question is suggested here.

Mr. MONDELL. No; not as we understand it under the other land law. He discovers mineral, and it is his to do with as he sees fit. He can, in fact, make a contract before he locates his claim.

Mr. LENROOT. He can make his claim and immediately transfer, without any thought of making the discovery or working the claim himself, and it is perfectly lawful?

Mr. MONDELL. Yes; that has always been the case under our mining laws.

Mr. LENROOT. I yield back the balance of my time.

The SPEAKER. The time of the gentleman has expired.

Mr. SMITH of California. I yield two minutes to the gentleman from Alabama [Mr. CRAIG], a member of the committee.

Mr. CRAIG. Mr. Speaker, this bill endeavors to put the oil locator on practically the same footing that the gold locator now is; the difference between the two being that the gold lo-

cator makes his discovery in the first instance, while the oil locator often does large amounts of work without making any discovery at all. In other words, he hardly ever digs unless he finds something on top. If he finds even a little piece of gold his discovery is made, and he or his transferee can get a patent. The oil locator comes along and prospects a piece of land. He has got to drill possibly 2,000 to 3,500 feet deep before he can discover anything whatever. He has no discovery on which to base his patent before doing the work, and sometimes not even after much work is done. Therefore, under the Yard decision, if he transfers to any person whomsoever, his transferee gets nothing. The Yard decision says that the transfer is equivalent to an abandonment of his claim. Then, if the transferee of the oil locator goes ahead and spends his money and makes a discovery, even then he can not get a patent under the Yard decision. This bill is intended to relieve that situation.

Mr. HARDY. Can he lease it without forfeiting his claim?

Mr. CRAIG. There is no provision for leasing at all. He has no title unless he makes a discovery; he has no such interest as would give him a patent. As to the corporation that the gentleman from Kentucky [Mr. JAMES] is so afraid of, I want to say that this bill is intended to relieve hundreds of individual locators, who, under the existing law, have combined their eight separate locations of 20 acres each into a 160-acre tract and are about to be deprived of their patents because of this Yard decision.

These individual locators had to combine, according to the testimony before the committee, in order to get credit upon which to operate their claims; and one of them stated to me that that credit had been withdrawn and that their locations were in jeopardy because they could not get the money upon which to operate; that the Yard decision had rendered their holdings so uncertain that the banks had lost faith in oil developments on Government lands in California, and many locators were absolutely in need of the relief which this bill will provide.

The SPEAKER. The time of the gentleman has expired.

Mr. SMITH of California. Mr. Speaker, I yield the balance of my time to my colleague from California [Mr. NEEDHAM].

Mr. NEEDHAM. Mr. Speaker, this legislation is requested by the oil operators in the West. For many years it has been the practice for eight individuals to go upon the public domain, each locating a claim of 20 acres, and then to form either a copartnership or a corporation, then each to deed his claim to such copartnership or corporation, and upon the discovery of oil on 20 acres to obtain patent to the whole 160 acres. Under that policy nearly 200 patents granting 160 acres each have been issued in the State of California alone. During the last year the department decided that in such cases patents could only be issued to 20 acres, and as a result millions of dollars invested in oil in the West was jeopardized and investors refused to put more money into oil development, because it costs from \$25,000 to \$100,000 to make a discovery of oil by the sinking of wells. And the oil development of the West is waiting for the relief asked for in this bill. The oil people of California had a State-wide mass meeting, and they sent to Washington a committee representing all those interested in the oil industry of California, and as a result the Committee on the Public Lands has unanimously reported this bill, which is now before the House of Representatives. Unless we get this relief the development of oil in the West must stop, because people will not invest from \$25,000 to \$100,000 to make a discovery of oil when it is only possible to obtain patent to 20 acres of land. This legislation simply carries out the policy which has been going on for years, and which oil operators and locators have relied upon in good faith, and is not in the interest, as the gentleman from Kentucky [Mr. JAMES] seems to think, of corporations alone, but is in the interest of the locators, the individual miners as well, and is demanded by all of the people of the West, and they are looking to us for this relief. And I say in all sincerity that this legislation ought to be passed without delay.

The SPEAKER. The question is on the motion to suspend the rules.

The question was taken; and two-thirds having voted in favor thereof, the amendment was agreed to, and the bill as amended was passed.

PURCHASE OF EMBASSY, LEGATION, AND CONSULAR BUILDINGS ABROAD.

Mr. LOWDEN. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 30888) providing for the purchase or erection, within certain limits of cost, of embassy, legation, and consular buildings abroad.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of State be, and he is hereby, authorized to acquire in foreign countries such sites and buildings as

may be appropriated for by Congress for the use of the diplomatic and consular establishments of the United States, and to alter, repair, and furnish the said buildings; suitable buildings for this purpose to be either purchased or erected, as to the Secretary of State may seem best, and all buildings so acquired for the diplomatic service shall be used both as the residences of diplomatic officials and for the offices of the diplomatic establishment: *Provided, however,* That not more than the sum of \$500,000 shall be expended in any fiscal year under the authorization herein made: *And provided further,* That in submitting estimates of appropriation to the Secretary of the Treasury for transmission to the House of Representatives, the Secretary of State shall set forth a limit of cost for the acquisition of sites and buildings and for the construction, alteration, repair, and furnishing of buildings at each place in which the expenditure is proposed (which limit of cost shall not exceed the sum of \$150,000 at any one place), and which limit shall not thereafter be exceeded in any case except by new and express authorization of Congress.

The SPEAKER. Is a second demanded?

Mr. CULLOP. Mr. Speaker, I demand a second.

Mr. LOWDEN. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is there objection?

There was no objection.

Mr. LOWDEN. Mr. Speaker, the bill before the House, H. R. 30888, authorizes the Secretary of State to acquire in foreign countries sites and buildings for the use of the diplomatic and consular establishments of the United States, and to alter, repair, and furnish such buildings. It further provides that the buildings acquired for the Diplomatic Service shall be used both as the residences of diplomatic officials and for the offices of the diplomatic establishment. It also contains a provision that not to exceed \$500,000 shall be expended for these purposes in any one year, and that not to exceed \$150,000 shall be expended at any one place, except by new and express authorization of Congress.

Under the rules of the House any provision contained in a general appropriation bill for the purchase of an embassy, legation, or consulate, no matter how badly needed, would be subject to a point of order. Therefore at the present time it is practically impossible to secure an appropriation for this purpose. The Committee on Foreign Affairs has been unable to discover any appropriate remedy for this except by the general authorization conferred upon the Secretary of State, which this bill contains. If the bill becomes a law, in the future it will be possible for the proper appropriation bill to make provision, within the limitations of this bill, for those places where the need is most imperative.

This bill has been subject to much consideration by the Committee on Foreign Affairs, and the principle of the bill has been very fully debated on the floor of this House. On January 5, 1909, the bill H. R. 21491, from which the present bill has been evolved, was discussed most thoroughly in Committee of the Whole House on the state of the Union. Much of the opposition to the bill was directed to the matter of form. It was urged strongly that too much discretion was given to the Secretary of State as to the amount to be expended at any one place. Those who favored the bill decided not to bring the matter to a vote, but to attempt to redraft the bill so as to meet the objections as to form. This was done and the bill H. R. 15814, introduced on December 17, 1909, was the result.

The latter bill was identical with the one now before the House, except that it contained no express limitation as to the amount to be expended in any one place. However, in view of the fact that but \$500,000 could be expended under the terms of the bill in any one year, the proponents of the bill urged that this was practically a limitation, and, further, that in some of the capitals of Europe this amount would be required to purchase and furnish a suitable embassy. This limitation was regarded by the House as too large and the bill was defeated.

The committee then, on March 7, 1910, reported out favorably House bill 22312, a bill identical in terms with the bill before the House. The point of order was raised to the bill that it was the same in substance as House bill 15814, which had been defeated, and therefore could not be brought forward again at the same session. Upon being submitted to the House, the point of order was sustained.

The present bill was reported out at this session by the Committee on Foreign Affairs with a favorable recommendation. While it is true that under this bill, with its present limitation, it will not be possible to purchase embassies in some of the capitals of Europe where land has become very expensive, it will be possible, within the limitation of \$150,000, as proposed, to purchase embassies and consulates, while there is yet time, in Mexico, South America, the Orient, and in most of the cities of Europe. A few of the greater cities will have to wait for some other and special legislation.

It will thus be seen that this bill has traveled a long and thorny road, and I submit to the House that I have been a patient and good-natured advocate of the measure. Two years

ago I changed it to meet objections, and a year ago I changed it to meet objections. I now hope that the resources of the gentlemen who have opposed the bill in the past will not be equal to finding some new objection which hitherto has not been raised.

The President, in his last annual message to the Congress, recommended this legislation. He said:

During many years past appeals have been made from time to time to Congress in favor of Government ownership of embassy and legation premises abroad. The arguments in favor of such ownership have been many and oft repeated and are well known to the Congress. The acquisition by the Government of suitable residences and offices for its diplomatic officers, especially in the capitals of the Latin-American States and of Europe, is so important and necessary to an improved Diplomatic Service that I have no hesitation in urging upon the Congress the passage of some measure similar to that favorably reported by the House Committee on Foreign Affairs on February 14, 1910 (Rept. No. 438), that would authorize the gradual and annual acquisition of premises for diplomatic use.

The work of the Diplomatic Service is devoid of partisanship; its importance should appeal to every American citizen and should receive the generous consideration of the Congress.

I also quote the following from a letter of Mr. Bryan, of Nebraska, written in 1906 from Austria-Hungary:

I have been intending for some time to speak of the matter of permanent buildings for our embassies and Vienna is a case in point. Our ambassador at Vienna, Mr. Francis, has had difficulty in finding a suitable place for the embassy. I discussed the subject during my former visit abroad, and my observations on this trip have still further strengthened the opinion that our country owes it to itself as well as its representatives to purchase or erect at each of the foreign capitals a permanent embassy building. At present each new ambassador or minister must begin his official career with a house-hunting expedition, and the local landlords, knowing this, are quick to take advantage of the situation. At one place an American ambassador was recently asked to pay double what his predecessor had paid, and as he was not willing to do this, he is still living at a hotel. There are not many suitable buildings from which to select and our representative is at the mercy of those who control the limited supply. Diplomatic requirements are such that the embassy must be centrally located and sufficiently commodious to enable the ambassador or minister to return the courtesies which he receives. Small apartments are numerous, and there are a few palaces which can be rented, but the former are not large enough and the latter much larger than necessary. Our Government ought to own a building conveniently located and suitable for the offices and home of the ambassador. It must either do this or choose between two systems, both of which are bad, viz, compel the representative to spend more than his salary for house rent or continually increase the salary of diplomatic representatives to keep pace with the growing rent in the capitals of the world.

To throw the burden upon the Government's representative is undemocratic; to risk constantly increasing rent is false economy. It is not in harmony with our theory of Government to have an important branch of the public service open to rich men only, and that is the case under the present system. No poor man can afford to accept an appointment as an American minister or ambassador to any of the principal countries of Europe, and as the years go by the expense of a diplomatic residence will become greater as the value of urban property increases. While the telegraph and the cable have somewhat decreased the responsibility of the foreign representative, by bringing him into closer contact with the home Government, still much depends upon the ability, the sagacity, and the discretion of those whom we send abroad. Our Government ought to be in a position to select from the whole citizen body those most competent for the work to be intrusted to them, and it goes without saying that efficiency in the public service is not measured by the amount of money which an official has either inherited or accumulated.

There is another argument in favor of the building of permanent embassy buildings which ought to have weight with our people. If diplomatic representatives are chosen only from those who are able to spend more than their official incomes, it naturally follows that some will be richer than others and that the establishments maintained will differ in expensiveness. In fact, experience has shown that a new representative is sometimes embarrassed by the lavish expenditures of a preceding one. The standing of our Nation abroad demands that our ambassadors and ministers shall live in a style in keeping with our ideas, and extravagance is as offensive as parsimony. By owning its own embassy buildings our Government can regulate the standard of living and entertainment of those who represent it at foreign courts. There is no doubt that our Nation must ultimately come to this plan, and the sooner it adopts it the better.

I wish to state, as briefly as possible, some of the considerations which have impelled me to the advocacy of this bill. In the first place, there ought to be no position in the public service which is beyond the reach of the trained, but poor man. Under existing conditions, only the very rich can afford to represent this country abroad. Rents are enormously high in the older cities of the world, and constantly tend to grow higher, and even a simple and unpretentious home costs many of our foreign representatives more than half of their salary. How can you expect them to live upon the remainder?

Besides, in many of the large cities it is impossible to rent any sort of suitable place, however modest, without waiting for a year or two.

Mr. Andrew D. White, while ambassador to Berlin, was practically ousted from an apartment which he rented, as the whole building had been sold to the Grand Duchy of Baden, to be used as its legation.

It does not comport with our dignity as a great Nation to send our foreign representatives abroad under conditions where they are at every disadvantage with the representatives of other even inferior nations.

Everyone is familiar with the fact that important negotiations on behalf of a country can not be conducted successfully under vastly unequal conditions. Mr. Andrew D. White, in his autobiography, is authority for the statement that the failure of his negotiations in the Bering Sea controversy was due directly to the superior policy of Great Britain in maintaining a preponderant diplomatic, political, and social influence at the Russian capital, and he adds that this cost our Government a sum which would have bought suitable houses in several capitals.

President Roosevelt put the Consular Service on a merit basis, and President Taft has put the Diplomatic Service, below the ranks of ambassador and minister, on the same basis. We have the beginning of a profession of diplomacy. We should make it possible for every man in the service to feel that the largest prizes in the service await him who exhibits the highest ability and devotion to his country's interests.

Our foreign relations are becoming vastly more important all the time. Last year the Secretary of State announced before the Committee on Foreign Affairs that the business of the State Department had doubled since the Spanish-American War. In the recent tariff legislation the executive branch was charged with the duty of ascertaining what countries were discriminating against our trade, by tariff regulations or otherwise. This has added much to the work and importance of the Department of State.

Another reason: It is good business. What great business enterprise, permanently established, could afford to rent the premises required in its business for not to exceed four years at a time, paying, as it would have to, large rentals under so short a term of lease? Add to this the almost certainty that such a business would be compelled to remove to new quarters at short intervals, with all of the expense that such a removal involves, and it is not difficult to foresee the end of such a business policy.

Parties may come and go, but the American Government is the most permanent institution upon this entire continent. We all have faith that America will be engaged in business in the capitals and cities of the world for generations yet unborn. Let us own our own plant. Let us be the beneficiary, not the victim, of the so-called unearned increment in the value of city lands. No one can doubt but that if we had entered upon this policy when this agitation began we could have purchased what we need for half of what it now will cost us. We owe it to the Nation, we owe it to our representatives abroad, we owe it to the interests of economy and efficiency in the administration of foreign affairs, to pass this bill and to pass it now. [Applause.]

Mr. RUCKER of Colorado. Mr. Speaker, this bill authorizes the Secretary of State, when Congress appropriates the sum for such purposes, to expend not more than \$500,000 for diplomatic and consular establishments in any fiscal year for the purchase of sites, buildings, or the erection of buildings upon sites acquired, but in no event to expend more than \$150,000 at any one place.

The objections made to this measure at the last session—in that the expenditure authorized was a much larger sum—has been fully met by this bill, as the gentleman from Illinois [Mr. Lowden] has so ably and fully shown. I advocated the former measure then, and it affords me pleasure to lend my full indorsement to the bill now. There prevailed at that time among my friends on this side of the Chamber an idea that the plan of building and maintaining these establishments abroad was primarily a Republican policy, another Republican extravagance, and for those reasons many withheld from it their support. In fact, I believe we had only a handful of votes on this side for the measure. I want to say to my friends on this side, however, that it is demonstrable that not only is it not primarily a Republican measure, but it is not an extravagant one. The policy received its first inception under the Democratic administration of Adams, followed by Jackson, and obtained its best impetus under the Cleveland administration, and, contrary to its being an extravagant policy, it is one having for its foundation the essence of economy. But, Mr. Speaker, party consideration, even were it involved, with me loses its appeal, however, when my name is called to vote on the merits of any measure, and I believe this is no less so with a great majority of the Members of this House. I am as much opposed to extravagance in the administration of our national affairs as any Member of my party, yet I can not close my lenses to the great benefits we will derive as a Nation by following progressive lines in the passage of laws such as are suggested by this bill.

One will only have to look about him in this our Capital City, observe the magnificent structures in which the leading nations of the earth have housed their diplomatic servants, see the

flags of their countries kissing the breezes from the house tops, their coats of arms emblazoned on the front doors—in fact, all the settings at once spelling dignity and patriotism and a due appreciation of the honor of being our guests—to be duly impressed.

The visitor from one of these countries, represented as it is by these tokens of loyalty, is rebaptized with patriotism for his fatherland. More than that, in the capitals of all the leading nations the other nations own as superb structures, symbols of their dignity, signifying as well an appreciation of the honor of their representatives being their guests. On the other hand, our position is most pitiful; we neither dignify our country nor recognize our obligations as guests with such emblems. Our flag floats from the house top in only one place in all Europe where we own the realty upon which the house is situated and the only one approaching respectability, namely, in Constantinople. In Tahiti, Tangiers, and Peking we have small holdings, and, adding a dilapidated, old-fashioned house in Tokyo, the pitiful sum of \$250,000 would cover the entire cost of all our possessions in Europe and the Orient. More than that, all these countries pay to their representatives salaries from 50 to 75 per cent more than we, and in nearly every instance an allowance is made for incidental expenses, such as for entertainments, servants' hire, and so forth.

If we regard the question from the theoretical standpoint, that in our form of Government every citizen is the equal of the other and has equal opportunity for place in political life, station, or responsibility, it is most appalling, because, coupled with the rentals he must pay, incidental expenses, living in a fashion even semirespectable and reflecting even a minimum credit on the country he represents, the man of small means, however otherwise worthy and peculiarly qualified for the diplomatic service, in a contest for the place is truly out of the running. The position, of necessity, must go to one of independent fortune. It is no longer a secret that this condition often brings to the position its embarrassment, for it is not only known by us that he is not chosen exclusively because of his merit, but it is also known to the country to which he goes.

If we regard this question from the standpoint of efficiency, we know from our own relationship with our fellow-men that equipment for the maximum service called for in these positions may well be found outside of the ranks of the wealthy. It was to illustrate this idea that President Taft was led lately to say:

We boast ourselves a democratic country. We say that there is no place within the gift of the people to which we may not select the most humble inhabitant, providing he be fit to discharge its duty, and yet we have an arrangement which makes it absolutely impossible for anyone but a millionaire to occupy the highest diplomatic post.

Now, I ask you whether that is consistency; whether it is not the purest kind of demagoguery? By demagoguery, I mean the advancement of an argument which seems to be in favor of democracy, but which, when it actually works out, is in favor of plutocracy.

Mr. Bryan has strongly advocated this measure in an address made to the committee from which the bill emanates.

Samuel Gompers, president of the American Federation of Labor, said:

As an American citizen, proud of the history of our country and expectant of its glory in the future, I am glad to associate myself with this movement. When I arrived in London, and repaired to our embassy offices in Victoria Street, I own that, though I am not given to pomp or ostentation, I felt that I was entering an office that might have been fit for a second-class lawyer. Appearances have their influences. I would not have a baronial mansion for the American embassy, but I would have a building that would impress the beholder with the dignity and strength of our country.

Whose voice in this Chamber will be heard to say that the wishes and desires of the American people are not reflected by the utterances of these three distinguished Americans?

If we regard it from the standpoint of business expansion alone, a no less strong argument can be made. It is well known that in our struggle to procure that part of the commercial business to which we are entitled in other countries, we are handicapped by our shabby and cheap appearance. It was the cynic side of Carlyle's nature which advanced the idea that the man dignified any old coat he put on his back, and it is all very well for us to harp upon and remember the simplicity of Jefferson, but every man who is acquainted with foreign ideas and conditions knows the importance of outward appearance. And this can be had without mimicry and without that distasteful ostentation the narrow-minded opponents of this measure credit its proponents with being bent upon bringing about. We merely want to appear in these countries in an attire which will spell modesty and simplicity, and at the same time a full appreciation of the might, dignity, and importance of the greatest of all nations, and a corresponding recognition of amenities and obligation to them for the reception of our representatives as their guests.

Again, one must visit these countries to appreciate more fully the necessity for the expenditures provided by this bill for other reasons; for instance, when he is compelled to search up and down the byways and alleys, and is finally rewarded by finding a miserable building identified as the home or office of our representative only by the flag of our country flying from its leaky roof; when no sooner does he enter and meet our representative than he is made to listen to an apology for the beggarly surroundings and inconveniences, and is immediately made to send out a search warrant for some excuse to offer for declining an invitation to lunch or dinner, which he knows will be in order before his departure from his generous but over-taxed host.

But, if these appeals do not prevail, let me draw your attention to an economical view of the subject. No one seriously thinks that the time will ever come when the nations will abandon the present system of diplomatic representation, and, even should it ever terminate, the constantly rising price of real estate the world over would insure a handsome profit on the investment if made now. By not having vigorously pursued in the past this policy which is now advocated, we have suffered incalculable loss on account of the enhanced values of real estate and cost of building material. I know personally where we lost several excellent opportunities to procure building sites within the last two years, and when it is known that we are now paying over \$200,000 per annum in rentals alone for the housing of our servants abroad, the merest tyro in mathematics can determine for himself whether the claim of extravagance can be maintained and where the economy comes in.

The original idea of having these representatives of the Nation at the capitals was to cultivate friendships, the maintenance of more friendly relations and better understandings, to the end of removing the possibilities of war, and history is replete with accomplishments along this line. Is there one here, in the face of these historic achievements, to say that one battleship can do as much? Yet, year after year we pile these chips on our shoulders by building two of these engines of war at a cost of more than \$20,000,000, and the per annum expense for their upkeep is over \$2,000,000. The cost of one of these battleships and the cost of its upkeep for 10 years would allow us to continue the erection of these edifices of peace and commercial assets for 40 years. Within such time, and with such an expenditure, we would be on at least equal footing with our sister nations, and thus demonstrate to the world that we are for peace in fact as well as by profession. Let us pass the bill. [Applause.]

Mr. LOWDEN. Mr. Speaker, I ask the gentleman from Indiana if he will use some of his time now.

Mr. CULLOP. Mr. Speaker, it seems to me that entering upon a policy of this kind is a very dangerous thing for this Government. To commence erecting buildings all over the world at the foreign capitals for our dress-parade officials could serve no good purpose in this country and only be the source of much expense. By the report of the committee I see it is expected to expend \$5,000,000 for this purpose—\$500,000 to be expended each year, and not more than \$150,000 at each capital. This is but the beginning of a system for exploiting the Public Treasury to an amount in the end no one is able to compute. I do not understand why this Government should enter upon this policy at this time, when the condition of the Public Treasury is as low as it is to-day. The drain upon it has been enormous in the last few years, and its disbursements now exceed its receipts and we face a deficit. Already distinguished gentlemen upon that side of the House have opposed the passage of a pension bill to pension the old soldiers of the rebellion because the Government had not the money to spare to pay the expense it would incur, and yet to-day, with these needy and worthy men all over the country in distressed circumstances appealing to us for recognition, men high in the councils of the Republican Party opposed that legislation and have failed to make an appropriation for them to carry it into effect. And the same men who practiced parsimony as to those old heroes propose now to pass this bill which will appropriate \$500,000 a year to build fine houses in foreign capitals solely for the purpose of dress parade and to make display in foreign countries. They can have no other object in view.

In all the history of this Government, so far as I am informed, no man has ever refused to hold a foreign ministry because the Government did not furnish him a home in a foreign country to which he was sent, and yet now when it is said upon that side of the House that we are unable to appropriate money for the rural routes of the Government, to put them in a good condition and furnish adequate compensation to men who do daily toil and provide conveniences for our home people, you are proposing to appropriate money—enormous sums and fasten a policy

of extravagance on the people in this bill—to build fine houses for rich officeholders in foreign countries. This policy no man can justify in the face of conditions existing throughout the entire country. It will be opposed all over the country.

Mr. HENRY of Texas. Will the gentleman yield for a question?

Mr. CULLOP. Certainly.

Mr. HENRY of Texas. I want to state that I have been informed by a former foreign ambassador from our country to one of the European countries that we could perhaps lease these buildings for one-fifth or one-tenth of the amount we propose to expend under this bill. I understand that we are to expend \$5,000,000 under this bill.

Mr. CULLOP. Yes; in the next 10 years. So it provides.

Mr. HENRY of Texas. But that if we adopt the plan of purchasing these buildings the cost will be a great deal more than if we lease them for a term of years. If the gentleman has studied that question and made any comparison, I think the information would be very valuable to the House.

Mr. CULLOP. I am not informed upon that proposition, but I have no doubt that the gentleman's information is correct. We can lease them for much less and to better advantage.

Mr. HENRY of Texas. I think it would be fair to state to the gentleman that this foreign minister was the Hon. Hannis Taylor, who was minister to Spain under Mr. Cleveland. He stated that he had submitted his proposition to Mr. Cleveland and to Mr. Olney, who was Secretary of State, and they had come to the conclusion that it was the most economical method of maintaining our embassies abroad.

Mr. CULLOP. I have no doubt that it is otherwise. Now, I think that before we enter upon a policy of that kind we had better build up certain institutions of benefit to the people of this country, such as to provide public buildings for the use of this Government at home in the transacting of its own business. Take, for instance, our own post-office facilities, and in many cities all over the country no public buildings are provided, and in many places the facilities rented are inadequate and inconvenient for people who patronize them. Supply these accommodations at home for the people who pay the taxes and sustain the Government. Before we enter upon a policy of public buildings in foreign countries, sending our money abroad, let us supply our own people with public buildings, expend our money at home, and improve the property of our own citizens. This policy would meet a more cordial approval from our countrymen than the one here proposed, and it would be of more advantage to our people. Supply our own domestic wants first.

This will also furnish a splendid opportunity for land sharks to speculate, and that seems to be the very foundation of the idea of building foreign homes for our ambassadors in foreign countries. Speculators will buy land where it is proposed to build these places and make great profit in handling the real estate upon which the houses are expected to be built. They will be able to sell the lands to the Government through some kind of manipulation that will be very profitable to them. There are many things in this country, many institutions of benefit and convenience to the people of the country all over it that need attention, and the appropriation of money hereby intended for this purpose I think ought not to be made. I hope this measure will be defeated.

I desire to call the attention of my Democratic colleagues that if this bill passes it will be unloading on the Sixty-second Congress another deficiency in the appropriations for which our party, when it comes into power next December, must provide for. It is another plan devised to swell appropriations by the next House, and to be charged up to the Democratic party, and I warn you that for this reason, if no other, we should defeat it. It would be wisdom on our part to do it. True, it only proposes to expend \$5,000,000, but no man on this floor will dare undertake to compute its ultimate cost to the American people, and the expense it will entail upon the Government. You promised the people a reduction in public expenditures, economy in appropriations, and it is now up to you to make good those promises. [Applause.]

I now yield five minutes or as much time as he may desire to the gentleman from Mississippi [Mr. Sisson]. [Applause.]

Mr. SISSON. Mr. Speaker, this seems to me to be rather an unusual departure on the part of a Republic. In addition to what the gentleman from Indiana [Mr. CULLOP] has said, one of the chief objections to this bill is that after we shall have builded all of these houses at the various capitals of the various nations and at the principal consulates of the various nations, the maintenance, support, repair, and furnishing of them will require a very large amount of money that will have to be provided for annually out of the Treasury. If the mere building of these houses could be limited to \$5,000,000, and after the

houses had been completed this ended the expense, there would be less objection to it; but the proposition to expend \$500,000 annually—

Mr. KELIHER. Will the gentleman yield for a question?

Mr. Sisson. Certainly.

Mr. KELIHER. Does the gentleman find anything in this bill that commits the Government to such expenditures as he has just described?

Mr. Sisson. Mr. Speaker, I am surprised that my colleague from Massachusetts supposes that houses do not have to be repaired, that houses do not have to be looked after, that houses do not have to be cared for. I am surprised that my friend said, as has been argued here, that the men who go to these places are not able to maintain themselves in homes that they may rent of their own selection. By this proposed scheme they will be compelled to occupy and furnish a home, the limit of cost of which will be \$150,000. Does the gentleman imagine that these men who are unable to rent a modest home will be able to furnish the sort of a house provided for in this bill and live up to the establishment? The next demand will be that money be expended to furnish these houses in accordance with the dignity of the United States Government, and there is no end to the limit of expenditure.

Mr. KELIHER. Does not the gentleman believe that when a tenant rents a house, and that house has to be repaired, the tenant eventually pays the expense so incurred in increased rent? Does the gentleman see any difference in this respect between the United States as a tenant and an individual as a tenant? If it is economy for an individual to own rather than rent, why would not economy to the United States follow the passage of this bill?

Mr. Sisson. My contention is, sir, that a man who is appointed ambassador or consul can go, if he desires, and rent a modest home in a modest neighborhood and live plainly and modestly with no expense to the Government, but under this bill it will become necessary for the Government to keep up the repairs on a house costing not less than \$150,000, and in the last analysis it will be necessary that you buy furniture, keep the furniture in condition, and as often as you change ambassadors, you will not want to give them second-hand furniture, certainly not, and—

A MEMBER. Will not the buying of furniture by the United States have to be by coming to Congress and securing an enactment of the law so that you can buy?

Mr. Sisson. That is true, and that follows as night follows day. When the United States Government puts its hands to the plow it does not turn back until it finishes the job, and we know what that means. It means the expenditure of money, and I am surprised at my Democratic colleague from Massachusetts, who must know that a Democratic Congress will have to provide for this \$500,000, and when he is not to be in the Congress—

Mr. KELIHER. I want to say to my friend that I stood for this proposition in a Republican Congress and when a Republican Congress had been decreed by the people, and I was elected to the succeeding Congress because I represent a district that believes in upholding the dignity and prestige of this great Republic abroad, and I stand for the same to-day. In so doing I reflect the sentiment of one of the strongest Democratic districts in the country.

Mr. Sisson. I am afraid my friend then had to reckon with his constituents when he went back home.

Mr. JOHNSON of South Carolina. May I say to the gentleman that this bill specifically provides these buildings shall be repaired and restored—

Mr. Sisson. Of course.

Mr. JOHNSON of South Carolina. And it is not any future legislation, but this bill provides for it.

Mr. Sisson. Of course; and if it had not, the Congress would have to provide for the care of these places after they are erected.

Mr. RUCKER of Colorado. But that comes out of the same appropriation.

Mr. Sisson. But do you not know that when they go to build one of these homes the chances are that you will find that the \$150,000 will not build the house, and they will come back and ask an additional appropriation to complete the building, and we know how these appropriations for public buildings in our own country are—they sometimes get twice as much as we started out to pay? Talk to me about Congress controlling these expenses, when the men behind this movement know that they are simply opening up the door of extravagance when at this particular time it ought to be closed, and I am unwilling

to give my consent to this extravagance at this time. If you ever permit the camel to get his nose under the tent he will soon get his whole body under. Some gentlemen who are advocating this bill have been frank enough to state on the floor during this debate that this bill did not go far enough, but that it was a step in the right direction. Some gentlemen have been frank enough to say that—

By the passage of this bill the United States will enter upon a policy that will eventually place us on an equal footing with the other great world powers which own the most creditable diplomatic buildings.

What does this mean but an admission that the Congress is to embark into a contest with other great nations in a display of grandeur and splendor which will lead to great extravagance. It means palaces of splendor in all the great capitals of the world where extravagant and rich Americans may exploit their wealth in the presence of royalty.

I have been asked what the rent paid for homes abroad is. It only amounts, as I am informed, to about \$135,000. Now, there are missions where we have ministers in the following countries:

Argentine Republic, Austria-Hungary, Belgium, Bolivia, Brazil, Chile, China (no rent; premises owned by Government), Colombia, Costa Rica, Cuba, Denmark, Dominican Republic, Ecuador, France, Germany, Great Britain, Greece and Montenegro, Guatemala, Haiti, Honduras, Italy, Japan (no rent; premises owned by Government), Liberia, Mexico, Morocco (no rent; premises owned by Government), Netherlands, Nicaragua, Norway, Panama, Paraguay and Uruguay, Persia, Peru, Portugal, Roumania and Serbia, Russia, Salvador, Siam, Spain, Sweden, Switzerland, Turkey (no rent; premises owned by Government), and Venezuela.

We have consulates and agencies at the following places:

Acapulco, Mexico; Aden, Arabia, Adis Ababa, Abyssinia; Agasscalientes, Mexico; Aix la Chapelle, Germany; Aleppo, Syria; Alexandria, Egypt; Algiers, Africa; Amoy, China; Amsterdam, Netherlands; Antung, Manchuria; Antwerp, Belgium; Apia, Samoa; Asuncion, Paraguay; Athens, Greece; Auckland, New Zealand; Bagdad, Turkey; Bahia, Brazil; Barbados, West Indies; Barcelona, Spain; Barmen, Germany; Barranquilla, Colombia; Basel, Switzerland; Batavia, Java; Batum, Russia; Beirut, Syria; Belfast, Ireland; Belgrade, Serbia; Belize, Honduras; Bergen, Norway; Berlin, Germany; Berne, Switzerland; Birmingham, England; Bluefields, Nicaragua; Bogota, Colombia; Boma, Congo Free State; Bombay, India; Bordeaux, France; Bradford, England; Bremen, Germany; Breslau, Germany; Bristol, England; Brunswick, Germany; Brussels, Belgium; Bucharest, Roumania (office in connection with legation); Budapest, Hungary; Buenos Aires, Argentina; Burslem, England; Cairo, Egypt; Calais, France; Calcutta, India; Calgary, Canada; Callao, Peru; Campbellton, New Brunswick; Canton, China; Cape Gracias a Dios, Cape Haitien, Haiti; Cape Town, Cape of Good Hope; Cardiff, Wales; Carlsbad, Austria; Cartagena, Colombia; Catania, Italy; Ceiba, Honduras; Charlottetown, Prince Edward Island; Chefoo, China; Chemnitz, Germany; Chihuahua, Mexico; Christiania, Norway; Chungking, China; Cienfuegos, Cuba; Ciudad Juarez, Mexico; Ciudad Porfirio Diaz, Mexico; Coburg, Germany; Cognac, France; Cologne, Germany; Colombo, Ceylon; Colon, Panama; Constantinople, Turkey; Copenhagen, Denmark; Corinto, Nicaragua; Cork, Ireland; Cornwall, Ontario; Curacao, West Indies; Dalny, Manchuria; Dawson, Yukon Territory; Dresden, Germany; Dublin, Ireland; Dundee, Scotland; Dunfermline, Scotland; Durango, Mexico; Durban, Africa; Edinburgh, Scotland; Ensenada, Mexico; Erfurt, Germany; Fernie, British Columbia; Fiume, Hungary; Florence, Italy; Foochow, China; Fort Erie, Ontario; Frankfurt, Germany; Frontera, Mexico; Geneva, Switzerland; Genoa, Italy; Georgetown, Guyana; Ghent, Belgium; Gibraltar, Spain; Glasgow, Scotland; Gothenburg, Sweden; Grenoble, France; Guadalupe, Mexico; Guadeloupe, West Indies; Guatemala City, Guatemala; Guayaquil, Ecuador; Habana, Cuba; Halifax, Nova Scotia; Hamburg, Germany; Hamilton, Bermuda; Hamilton, Ontario; Hankow, China; Hanover, Germany; Harbin, China; Harput, Turkey; Havre, France; Hermosillo, Mexico; Hobart, Tasmania; Hongkong, China; Huddersfield, England; Hull, England; Iquique, Chile; Iquitos, Peru; Jerez de la Frontera, Spain; Jerusalem, Syria; Johannesburg, South Africa; Karachi, India; Kehl, Germany; Kingston, Jamaica; Kingston, Ontario; Kobe, Japan; La Guaira, Venezuela; La Paz, Mexico; Leeds, England; Leghorn, Italy; Leipzig, Germany; Liege, Belgium; Limoges, France; Lisbon, Portugal; Liverpool, England; London, England; Lourenco Marquez, Africa; Lyon, France; Madras, India; Madrid, Spain; Magdeburg, Germany; Malaga, Spain; Malta (Island); Managua, Nicaragua; Manchester, England; Mannheim, Germany; Manzanillo, Mexico; Maracaibo, Venezuela; Marseille, France; Martinique, West Indies; Maskat, Oman; Matamoros, Mexico; Mazatlan, Mexico; Melbourne, Australia; Mersine, Syria; Mexico City, Mexico; Milan, Italy; Moncton, New Brunswick; Monrovia, Liberia (no expenses charged consulate); Monterey, Mexico; Montevideo, Uruguay; Montreal, Quebec; Moscow, Russia; Mukden, Manchuria; Munich, Bavaria; Nagasaki, Japan; Nanking, China; Nantes, France; Naples, Italy; Nassau, West Indies; Newcastle, New South Wales; Newcastle on Tyne, England; Newchwang, China; Niagara Falls, Ontario; Nice, France; Nogales, Mexico; Nottingham, England; Nuevo Laredo, Mexico; Nuremberg, Bavaria; Odessa, Russia; Orillia, Ontario; Ottawa, Ontario; Owen Sound, Ontario; Palermo, Italy; Panama, Panama; Para, Brazil; Paris, France; Patras, Greece; Pernambuco, Brazil; Plauen, Germany; Plymouth, England; Port Antonio, Jamaica; Port au Prince, Haiti (office in connection with legation); Port Elizabeth, Africa; Port Limon, Costa Rica; Port Louis, Mauritius; Prague, Austria; Prescott, Ontario; Progreso, Mexico; Puerto Cabello, Venezuela; Puerto Cortes, Honduras; Puerto Plata, Dominican Republic; Punta Arenas, Chile; Quebec, Quebec; Rangoon, Burma; Reichenberg, Austria; Rhelms, France; Riga, Russia; Rimouski, Quebec; Rio de Janeiro, Brazil; Rome, Italy; Rosario, Argentine Republic; Rotterdam, Netherlands; Roubaix, France; Rouen, France; Saigon, Cochinchina; St. Etienne, France; St. Gall, Switzerland; St. John, New Brunswick; St. John, Newfoundland; St. Johns, Quebec; St. Michaels, Azores; St. Petersburg, Russia; St. Pierre, St. Pierre Island; St. Stephen, New Brunswick; St. Thomas, West Indies; Salina Cruz, Mexico; Saloniki, Turkey; Sattilo, Mexico; Sandakan, New Brunswick; San Jose, Costa Rica; San Luis Potosi, Mexico; San Salvador, Salvador (office in connection with legation); Santiago

de Cuba; Santo Domingo, Dominican Republic; Santos, Brazil; Sarnia, Ontario; Sault Ste. Marie, Ontario; Seoul, Korea; Seville, Spain; Shanghai, China; Sheffield, England; Sherbrooke, Quebec; Sierra Leone, Africa; Singapore, Straits Settlements; Smyrna, Turkey; Southampton, England; Stavanger, Norway; Stettin, Germany; Stockholm, Sweden; Stuttgart, Germany; Suva, Fiji Islands; Swansea, Wales; Swatow, China; Sydney, New South Wales; Sydney, Nova Scotia; Tabriz, Persia; Tahiti, Society Islands (no rent; consular premises owned by Government); Tamatave, Madagascar; Tampico, Mexico; Tamsul, Formosa; Tangier, Morocco (no rent; consular premises owned by Government); Tapachula, Mexico; Tegucigalpa, Honduras; Teneriffe, Canary Islands; Tientsin, China; Toronto, Ontario; Trebizond, Turkey; Trieste, Austria; Trinidad, West Indies; Tripoli, Africa; Tsingtau, China; Turin, Italy; Turks Island, West Indies; Valencia, Spain; Valparaiso, Chile; Vancouver, British Columbia; Venice, Italy; Veracruz, Mexico; Victoria, British Columbia; Vienna, Austria; Vladivostok, Siberia; Warsaw, Russia; Windsor, Ontario; Winnipeg, Manitoba; Yarmouth, Nova Scotia; Yokohama, Japan; Zanzibar, Zanzibar; Zurich, Switzerland.

If the Government finally spends \$150,000 at each of these places, it will mean for sites and buildings alone \$51,450,000. This is a conservative estimate, too, because it is doubtful if a suitable lot could be purchased in London, Paris, or the other great cities for much less than \$150,000; and even if in some places sites and buildings could be had for less than this sum, in many others the amount will be very much more, so this will be a fair average.

When these palaces are erected, the Government will have to care for and maintain them, which furnishes another great item of expense, for no poor man could afford to move into one of those palaces and hire enough servants to keep it up. So every argument made that this is to enable poor men to get these places falls to the ground unless you propose to furnish his home and servants and a certain amount to keep up the grandeur out of the Treasury.

It is better and cheaper for the Government to pay rent, because it now costs the Government only \$138,562.38 rent, whereas if the Government owned these places it would cost at least \$1,000 a year each to maintain them, or over \$343,000 annually. Add to this the interest on \$50,000,000 at 3 per cent, the amount the Government will finally have invested, and the annual expense will be \$1,500,000, so that in round numbers the Government would save \$1,650,000 each year if my views of what this will finally lead to is correct. Let us not open up this new method of wasting and squandering the people's money.

Mr. CULLOP. How much time have I remaining, Mr. Speaker?

The SPEAKER. The gentleman has five minutes remaining.

Mr. CULLOP. I yield that time to the gentleman from Alabama [Mr. UNDERWOOD].

Mr. UNDERWOOD. Mr. Speaker, I am opposed to this proposition. One reason is that I am opposed to the entire system that the country and the world now recognizes of appointing ambassadors and ministers to foreign countries. I believe the system is as antiquated and out of date as the system of riding in a stagecoach as compared to riding in a railroad train. The system of sending a foreign ambassador to represent us abroad was inaugurated at a time when a country a few hundred miles away from another was as far removed in time and ability to reach it as it is to the furthest point of the earth to-day. To-day there is not a capital at which we have a foreign ambassador or minister that can not be reached by the telegraph wire. There is not a country in which the communications by mail between it and this country are not nearer and faster than they were a hundred years ago between the States of the Union. Now, I believe this entire system of our sending ambassadors to foreign courts should come down. There is no necessity for it. As a matter of fact, we send some distinguished gentleman to a foreign court to represent us there, and yet when an important matter comes up we send a special envoy or special agent to represent the United States Government and do the work that the minister is supposed to do.

I believe that, instead of the organization that is now in vogue and that it is proposed to perpetuate by building legation houses in foreign countries, we should abolish the entire system. We should have certain men well trained, well educated, understanding the business, who can be sent to a foreign country to negotiate our business whenever a particular question arises that needs representation at a foreign court.

Now, as to the consular service, it is a different thing. The consular agents represent the business portion of our people and the business interests of the Government. We should maintain the consular system, but I can see no duty that a foreign minister or a foreign ambassador has to perform as to the great questions involved between the countries of this world that can not be done and accomplished equally well by a special ambassador sent when the exigencies of the case require. And as to the protection of life of our citizens abroad or protection

of their rights, a foreign consul or a consul general, as a rule, looks after those matters and is thoroughly capable and competent to represent and protect our citizens under such circumstances. As a matter of fact, in most of the great countries of Europe where we are proposing to build legation houses the American citizen is entirely protected to-day and perfectly safe under the government of the country without intervention on the part of an ambassador. So I think to build legation houses to-day would be to extend the system that we have, but which I believe the world should abandon, a system that is unnecessary and that is not up to modern ideas and modern thought.

Therefore I am opposed to our entering into a plan that will further tie to us this antiquated system as one of the portions of our Government.

Mr. SHEPPARD. Will the gentleman permit?

Mr. UNDERWOOD. Certainly.

Mr. SHEPPARD. Is it not a fact that the bill commits the United States to the wholesale policy of erecting buildings, not only at the capitals where ambassadors are located, but at other places where consular officers and other minor representatives are located?

Mr. UNDERWOOD. I have no doubt that if the bill was passed it would be a wedge in that direction.

Mr. SHEPPARD. It provides without qualification for the diplomatic and consular establishments of the United States.

Mr. UNDERWOOD. I understand the bill provides just what the gentleman from Texas states.

Mr. CULLOP. So that in every two-by-four capital in a foreign country this Government would spend \$250,000 that some man might have a home.

Mr. LOWDEN. Mr. Speaker, how much time have I remaining?

The SPEAKER. Twelve minutes.

Mr. LOWDEN. I yield five minutes to the gentleman from Ohio [Mr. LONGWORTH].

Mr. LONGWORTH. Mr. Speaker, I have listened with great interest, as I always do, to the remarks of the gentleman from Alabama [Mr. UNDERWOOD], for I have a very high respect for his opinion on all matters of public moment. But it does not seem to me that the argument that he makes applies to the question that is before us.

It is not a question, Mr. Speaker, of whether or not the present system of communication between the great nations of the world is a good thing or not; it is not a question whether diplomacy should be abolished; it is a question as to whether, so long as that system continues, we will provide that the really competent, educated, and suitable men to hold those positions for our country can serve the country in that capacity. I want to make this point clear, that this proposition is not to improve the condition of those who now represent us in foreign countries, but to make possible a condition upon which another class of men may represent us.

Mr. FITZGERALD. Will the gentleman yield?

Mr. LONGWORTH. Yes; but I have not much time.

Mr. FITZGERALD. I want to ask the gentleman if he now believes that we are represented by uneducated, unintelligent, and an incompetent class of men.

Mr. LONGWORTH. Of course, Mr. Speaker, I do not mean to be construed as saying anything of that kind.

Mr. MANN. You are not.

Mr. LONGWORTH. We are fortunate in having to-day men to represent us who are, most of them, educated and fitted for those positions, but they also happen to possess a qualification which is necessary to-day for those positions, but which the great majority of other men at least equally fitted to represent us have not, and that is to say, "the price."

Why, the gentleman from Indiana says that he has never heard of a case where the position of ambassador was offered to an American citizen who refused it. As a matter of fact, Mr. Speaker, there are hundreds of such cases, and, in fact, the President of the United States, in considering whom he can appoint as ambassador to England, is impeded from appointing a number of men who are admittedly fitted for the position for the reason simply that they can not afford it, and have refused that position on this ground alone.

Mr. CULLOP. Will the gentleman yield?

Mr. LONGWORTH. Yes.

Mr. CULLOP. I would like to ask the gentleman right on that point if a man who can not accept that because of his impoverished financial condition, how could he do it if he had a \$150,000 residence to keep up?

Mr. LONGWORTH. Mr. Speaker, there are two ways of enabling an American citizen of moderate means to accept these great positions. One is to raise the salary to a point which shall put him at least on a comparatively equal basis with those

men who would be his colleagues at that post. The other is to furnish him with a suitable residence in which to live. There is no question in my judgment as to which of these two things is preferable.

We ought to have a residence which shall be the same, whether it is occupied by Mr. Smith, who is a multimillionaire, or Mr. Jones, who is a patriotic scholar. It ought not to be apparent, on the face of things, as it is to-day, that one ambassador is a millionaire if he happens to live in a palace, and another is only a patriotic scholar because his means compel him to live in a boarding house. That condition has continued for years, until now a situation has grown up which I regard as utterly repugnant to all democratic theories of government.

We have developed a real office-holding aristocracy, an aristocracy more repugnant than any other, because it depends not on birth alone, but simply and solely on money. Now, Mr. Speaker, this is a democratic measure.

I may say for the benefit of some of my friends on the other side that it bears the hearty indorsement of a man who I think no one will deny is a good Democrat, Mr. William J. Bryan, of Nebraska. [Applause.] It carries also the indorsement of another gentleman who, I think, no one will deny is a Democrat, Mr. Samuel Gompers. [Applause.] It carries the indorsement of a Republican of democratic instincts—and when I say democratic I mean in the broad sense of the term—the President of the United States. [Applause.]

We have now the opportunity, Mr. Speaker, to put these positions, which, outside of the Presidency, are the only ones that represent the whole American people, within the reach, as every American office ought to be, of a man who is fitted by learning, training, and patriotism to represent this country, and not one who is fitted simply and solely by his pocketbook. [Applause.]

Mr. LOWDEN. Mr. Speaker, I yield three minutes to the gentleman from Arkansas [Mr. MACON]. [Applause.]

Mr. MACON. Mr. Speaker, there is a vast difference between extravagant expenditures and legitimate expenditures, as all of us are bound to recognize. A year ago, when a similar bill to this was before the House, upon my motion it was defeated. [Applause.] That bill, Mr. Speaker, carried an appropriation of \$5,000,000 each year, and had a limit of cost of \$500,000 for each embassy building that was to be erected abroad.

I felt then that \$5,000,000 per year was more than the Treasury of the United States could afford to spend on buildings of that character. I felt that \$500,000 for a building for a poor man was too exorbitant. I knew that if fortune or anything else happened to send the average Member of Congress abroad as an ambassador and he was forced to live in a \$500,000 mansion he would rattle around in it like a pea in a dry pod. [Laughter.] In the homes provided for in this bill it will be entirely different. They are to be furnished out of the amount provided for each of them, and hence a man of moderate means can live in them comfortably and respectably upon the salary paid him by the Government. No true American representative should want to live beyond a comfortable and respectable style, and no proud American citizen ought to want him to live in any other manner while he is representing the greatest Republic in all the world.

I did not think in reason and common sense or in justice to the taxpayers of this country that we ought to expend that much money upon homes abroad for our ministers and ambassadors, but this bill proposes that we shall have an expenditure of \$500,000 a year for that purpose. That sum, at the ordinary rate of interest which the Government is required to pay, would amount to only about \$10,000 a year, if the Government had to borrow the money with which to erect these buildings. Therefore I am inclined to think that the expenditures that are now being made by this Government for the offices that are now occupied by the ambassadors and ministers will be, and are now, far in excess of \$10,000, the sum that the interest would amount to upon this \$500,000 investment. Therefore, in the interest of economy, I can not help but believe that it would be wise to make this expenditure.

I differ with the gentleman from Alabama when he says that he thinks that the policy of having ambassadors and ministers abroad is now inadequate and ought to be abandoned. I might not have favored such a proposition in the incipency of our Government, but the policy is as fixed now, in my judgment, as a part of the policy of the Government as is the tariff policy fixed as a part of the policy of the Government. If I had had to do with the organization of the Government, I would have insisted upon raising our revenues in a different way than by a tariff; but it was organized in that way, and now the tariff system is fastened upon us as a part of the policy of the Government and we can not get rid of it. It is absolutely neces-

sary for us to have ambassadors and ministers abroad to represent this country in foreign countries as it is to have representatives in this city, because it is impossible for us to write letters to foreign Governments that will be sufficiently explanatory about everything that arises of an international character between this and every other country, and we could not afford to take up complex and delicate questions of state with them in such a slow and uncertain manner as that at this day and time of progress if we desired to do so.

Therefore it is absolutely necessary for us to have representatives in foreign countries if we are to keep abreast with the progress of the age in the matter of trade relations, as well as in the interest of universal peace—a thing devoutly hoped for by the peace-loving citizens of all the world, and prayed for by good people everywhere. Therefore, if we must have representatives abroad, it is necessary that they should be properly housed, and the time has come when it is the duty of the Government to house them. Every other important country in the world is doing that for their representatives and we can not afford to lag behind in matters of such moment. The provisions of this bill are not extravagant, when we consider the high price of real estate in all of the important cities of the world, and hence, I will cast my vote for it with great pleasure. [Applause.]

Mr. LOWDEN. Mr. Speaker, I yield one minute to the gentleman from New York [Mr. OLCOTT].

Mr. OLCOTT. Mr. Speaker, I only want to call the attention of Members of the House to the fact that we are now expending for rent of consulate agencies and the various domiciles for our diplomatic and consular officers abroad over \$135,000 a year. That, as I calculated rapidly in my head, is about 4 per cent on \$3,500,000. It would take us, under this present bill, something like seven years to expend that amount. I do not think anyone need be worried about this overweening expense.

Mr. KNOWLAND. I think the gentleman has left out a very important item. The total annual rent for embassies and legations alone is \$65,784.55, and for consulates and agencies \$135,000, as the gentleman from New York has stated, a grand total of over \$201,000.

Mr. OLCOTT. I thank the gentleman for the correction.

Mr. LOWDEN. Mr. Speaker, I just want to say a word in answer to the argument of the gentleman from Alabama [Mr. UNDERWOOD] who asserts that we do not need the personal element in our relations with foreign countries. If that be true, why is it that modern business has not developed genius enough to be able to transact its business without traveling men or without personal agents? If modern business has an important transaction 10,000 miles away it does not rely simply upon correspondence, but some one is sent to be there in the flesh to enter into negotiations with those representing the other side, and as long as this Government stands, and as long as the peace of the world is a great thing to be desired, this Government would be recreant to its duty if it ever attempted to dispense with the personal foreign service which it has had in the capitals of the world from the very inception of the Government.

Mr. AUSTIN. I would like to ask the gentleman if all the commercial and business organizations of the country do not also favor this bill.

Mr. LOWDEN. In answer to that I would say, Mr. Speaker, that every board of trade and chamber of commerce and every body of men who represent business so far as I know anywhere is for this measure. Every Secretary of State from Richard Olney down has recommended it. The President, as I have said, recommends it in his annual message. The present Secretary of State is very urgent that the bill be passed, and I submit that now, when we have become a world power, whether it was in accordance with our will or not, we have got to meet the nations of the earth upon something like equal terms, and we will not do that until we have established our permanent homes in the capitals of the world.

Mr. SULZER. Mr. Speaker, for many years I have been in favor of this Government acquiring and owning diplomatic and consular establishments for its representatives in the principal countries of the world. This bill is a step in that direction and meets with my earnest approval.

What the United States requires, in my opinion, in the great capitals of the world, are official residences, which shall be permanent homes for its diplomatic and consular representatives, whether they be rich or poor, in which they shall reside in a position consistent with democratic institutions. I believe the taxpayers of the country favor it because it will mean the maintenance of the dignity of our people and the enhancement of

the prestige of the Republic. Such a policy will produce an external uniformity in the outward semblance of each and conceal the difference between the rich diplomat and the poor, yet, perhaps, far abler scholar and statesman. The price of a modern battleship would provide proper homes for most of our ministers and ambassadors abroad and give these official residences the dignity that is associated with permanency.

The diplomatic representatives of our country in foreign capitals should reside in suitable homes, owned and furnished in a proper manner by our Government, and be paid a salary sufficient to enable them to live in a way befitting the greatness and the glory of the United States. We are a world power of the first magnitude, and we should live up to it in the diplomatic family of nations. I believe in economy. I like democratic simplicity; but I have traveled some, and, like others who have been in foreign lands, I know what a sorry figure we generally cut in diplomatic circles. If we want to be abreast of the political and commercial spirit of the times we must yield to modern progress in these important matters of the world and lay aside the ultraconservatism of the past and the rigid simplicity of bygone days.

If Congress is unable to understand the exceedingly mean figure that is cut by the United States in foreign capitals when its diplomatic representatives are obliged to spend their yearly salaries in providing themselves with a roof over their official heads, then the case is hopeless. If our ambassador is an object of derision, if the United States is the subject of contemptuous remarks by all the little whippersnappers of diplomacy who have been better provided for, the fault lies in the Congress of this great country. Rich and powerful as we are as a Nation, we belittle our own dignity and that of our representatives in foreign lands by refusing to establish permanent homes for them where the Stars and Stripes may ever fly.

Sir, how can we expect our diplomats abroad to be treated with the same respect as those of other countries when the very houses in which they live invite invidious comparisons? It is just as important for the envoys representing our people to be housed in a manner befitting the wealth and power of our country as it is for the President of the United States to live in the White House; and the saddest commentary on it all is the knowledge that men of ability, men of experience, but lacking riches, in view of present conditions, can not hope to represent this country in foreign lands. It would be more becoming to our pretensions of democratic simplicity, in my judgment, if Congress should now place our Diplomatic Service on a basis where brains and not dollars alone will be the essentials for diplomatic office in foreign countries.

If I am any judge of public opinion, I venture the assertion that popular sentiment favors the enactment of this legislation, and I indulge the hope that this bill will be a law ere we adjourn. We can not escape the logic of the case and the force of the contention that our country must have fitting official homes for its representatives in foreign capitals, flying Old Glory, and tenanted by patriotic citizens with an eye single for the welfare of America.

The SPEAKER. The question is, Will the House agree to suspend the rules and pass the bill?

The question was taken, and the Speaker announced the ayes seemed to have it.

Mr. CULLOP. Mr. Speaker, a division.

The House proceeded to divide.

Mr. CULLOP. Mr. Speaker, I call for the yeas and nays.

The SPEAKER. The yeas and nays are demanded. Twenty-three gentlemen have arisen, not a sufficient number. Upon this question the yeas are 141, the noes are 39. Two-thirds having voted in the affirmative, the rules are suspended and the bill is passed. [Applause.]

Mr. LOWDEN. Mr. Speaker, I ask unanimous consent that gentlemen who have spoken, and also those who did not have time to speak, may extend their remarks in the Record for five days.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

PHILIPPINE ISLANDS.

Mr. OLMSTED. Mr. Speaker, I move to suspend the rules and pass Senate bill 7400.

The SPEAKER. The gentleman from Pennsylvania moves to suspend the rules and pass the bill which the Clerk will report.

The Clerk read as follows:

An act (S. 7400) to amend an act approved February 6, 1905, entitled "An act to amend an act approved July 1, 1902, entitled 'An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes,' and to amend an act approved March 8, 1902, entitled 'An act temporarily to provide revenue for the Philippine Islands, and for other purposes,' and to amend an act approved March 2, 1903, entitled 'An act to establish a standard of value and to provide for a coinage system in the Philippine Islands,' and to provide for the more efficient administration of civil government in the Philippine Islands, and for other purposes."

Be it enacted, etc., That section 2 of the act of Congress approved February 6, 1905, entitled "An act to amend an act approved July 1, 1902, entitled 'An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes,' and to amend an act approved March 8, 1902, entitled 'An act temporarily to provide revenue for the Philippine Islands, and for other purposes,' and to amend an act approved March 2, 1903, entitled 'An act to establish a standard of value and to provide for a coinage system in the Philippine Islands,' and to provide for the more efficient administration of civil government in the Philippine Islands, and for other purposes," is hereby amended to read as follows:

"Sec. 2. That for the purpose of providing funds to construct port and harbor works, bridges, roads, buildings for provincial and municipal schools, courthouses, penal institutions, and other public improvements for the development of the Philippine Islands by the general government thereof, the said government is authorized from time to time to incur indebtedness, borrow money, and to issue and sell therefor (at not less than par value in gold coin of the United States) registered or coupon bonds of such denominations and payable at such time or times, not later than 40 years after the issuance of said bonds, as may be determined by said government, with interest thereon not to exceed 4½ per cent per annum: Provided, That the entire indebtedness of said government created by the authority conferred by this section shall not exceed at any one time the sum of \$10,000,000: And provided further, That the law of said government creating the indebtedness and authorizing the issue of the bonds under this section shall be approved by the President of the United States."

The SPEAKER. Is a second demanded?
Mr. HARRISON. Mr. Speaker, I demand a second.
Mr. MANN. Mr. Speaker, I demand a second.
The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER. The gentleman from Pennsylvania has 20 minutes and the gentleman from New York has 20 minutes.

Mr. OLMSTED. Mr. Speaker, this is a Senate bill with a very formidable title, but the bill has but a single purpose. Under the present law the authority of the Philippine Government to issue bonds is limited to \$5,000,000, which already has been exhausted. The single object of passing this bill is to extend that limit to \$10,000,000. No additional bonds can be issued under it beyond the present five millions, unless the authority for the issue shall have originated in the Philippine lower house, composed entirely of native Filipinos, and then have passed the upper house, and finally been approved by the President of the United States. With all these safeguards it seems to me that this bill should pass. It has passed the Senate, received the unanimous report of the Committee on Insular Affairs, and is desired by the Secretary of War and the President, as well as the Philippine officials. The Resident Commissioners have both appeared before the Committee on Insular Affairs, and Mr. QUEZON, only a few days ago, insisted that it was the universal desire of everybody in the Philippine Islands, whether American or native. I do not care to discuss it further, Mr. Speaker, unless there shall be—

Mr. HULL of Iowa. Will the gentleman yield for one question?

Mr. OLMSTED. I will.

Mr. HULL of Iowa. Does the United States Government guarantee these bonds?

Mr. OLMSTED. Not at all; not in any way.

Mr. HULL of Iowa. They did in the railroad bonds, but not the Philippine bonds.

Mr. OLMSTED. Not at all.

Mr. FITZGERALD. They have had an issue of five million?

Mr. OLMSTED. Yes.

Mr. FITZGERALD. What did they do with them?

Mr. OLMSTED. They used the money in improving the ports and highways and building schoolhouses.

Mr. FITZGERALD. When will they finish those improvements?

Mr. OLMSTED. They have very important and necessary public works which they are very anxious to finish. I wish to state, Mr. Speaker, that all these improvements have to be done by the General Government; there is no county government, and, of course, no State government.

Mr. FITZGERALD. What rate of interest did we fix on the railroad bonds guaranteed to the Philippine Government?

Mr. OLMSTED. I think it was 4 per cent. I am not certain about that.

Mr. FITZGERALD. Why do we borrow money and pay 4½ per cent when the railroads over there can borrow with the Government guarantee at 4 per cent?

Mr. OLMSTED. We do not expect that it will be necessary to pay 4½ per cent. The Philippine bonds which were issued to bear 4 per cent were sold at a premium, which brought the interest down to about 3 per cent.

Mr. FITZGERALD. This provides 4½ per cent.

Mr. OLMSTED. Well, we do not know what the rate of interest may be at the time of the issue of the bonds, but they probably will be sold so as to reduce the interest to 3 or 3½ per cent. Four and one-half is named as the maximum.

Mr. FITZGERALD. What objection is there to making these improvements out of the current revenues of the islands?

Mr. OLMSTED. Well, there are improvements needed of such importance and of such probable expense that it would be burdensome to impose the tax upon the people all at once.

Mr. FITZGERALD. What are the revenues of the islands now?

Mr. OLMSTED. The revenues are some \$8,000,000 or \$9,000,000 per annum.

Mr. FITZGERALD. Are those merely the customs, or do they include all kinds of taxes?

Mr. OLMSTED. They include all kinds of taxes—land taxes, licenses, and so forth.

Mr. HARRISON. What are the annual expenses of the Government?

Mr. OLMSTED. The annual expenses are very nearly that, but they have not expended quite their entire revenue. They have a small surplus all the time.

Mr. HARRISON. What is the amount of that surplus now?

Mr. OLMSTED. At the present time the surplus appropriated is, I am informed, about \$1,000,000.

Mr. HARRISON. Where is that surplus?

Mr. OLMSTED. It is in the custody of the treasurer of the Philippine Islands. I can not say just where it is.

Mr. HARRISON. Is it on deposit in banks in the United States?

Mr. OLMSTED. I do not think the workable surplus is.

Mr. HARRISON. What have they on deposit in the United States?

Mr. OLMSTED. Some of their deposits are in the United States. Some portion of the fund which they are required to keep to maintain the parity of money—how much I can not say—is deposited in the United States banks.

Mr. HARRISON. Is it six or eight or ten millions?

Mr. OLMSTED. Not as much as that.

Mr. HARRISON. How much of that are they required by law to keep on deposit?

Mr. OLMSTED. They have the amount they are required to keep.

Mr. HARRISON. So there is no surplus of working balance in the United States?

Mr. OLMSTED. There is no such surplus in the United States that could be used for this purpose.

Mr. HARRISON. So they have only an actual working surplus of a million dollars?

Mr. OLMSTED. A million dollars; something like that.

Mr. HARRISON. Can the gentleman tell us what the necessity for this bond issue? Why should the Philippine Government undertake public work far in excess of their revenues?

Mr. OLMSTED. Every government does that, and every city and every State has to do it. This, of course, is a comparatively new government. The relation of the Philippine Government to the city of Manila is something like the relation of our Government to the city of Washington. All the improvements there are built by the General Government, all the schoolhouses are built by the General Government, all the roads are built by the General Government, all the bridges are built by the General Government, and the harbors are improved by the Government. The harbor at Manila now has not much more than half the capacity of the demands upon it.

Mr. HARRISON. What responsibility, if any, does our Government assume in connection with this permission to issue bonds?

Mr. OLMSTED. Not a particle.

Mr. HARRISON. Why is it, then, deemed necessary to require that the President shall sign the law?

Mr. OLMSTED. It is thought a wise provision, because to a certain extent we are responsible for the well-being of those people and for their good government, and it was thought advisable to put that in, so that they would not have any extravagant expenditures.

Mr. HARRISON. The gentleman evidently, then, believes that at least the moral responsibility will be assumed by the United States?

Mr. OLMSTED. No financial responsibility; but, of course, it would be discreditable to the United States if that Government should be mismanaged.

Mr. HARRISON. If the backing of the United States is behind these bonds, why do we have to borrow money at 4 or 4½ per cent?

Mr. OLMSTED. I do not think we have to do so. As I have already stated, the \$5,000,000 of bonds that they did sell bear 4 per cent and were sold at a premium that made a handsome profit. This is merely a maximum.

Mr. HITCHCOCK. Do I understand the gentleman to say the credit of the United States is not involved in these bonds?

Mr. OLMSTED. It is in no way pledged.

Mr. HITCHCOCK. But what about the railroad bonds which have been used over there?

Mr. OLMSTED. I do not understand that the United States is responsible for the railroad bonds. If so, it was by act of Congress. But that does not apply to these bonds. It is not proposed this Government shall be bound for one farthing.

These people need all these improvements, and they have them in contemplation on some of the works proposed. They need bridges, and they need roads, and they need improvements in the harbors, and they need schoolhouses.

Mr. HITCHCOCK. What does the gentleman mean by "these people?"

Mr. OLMSTED. The Filipino people.

Mr. HITCHCOCK. What action has their assembly or legislative body taken in regard to this law?

Mr. OLMSTED. Their Representative here has demanded the passage of this act. Mr. QUEZON appeared before our committee and said that every inhabitant of the island wanted it—Filipinos, Americans, and Igorots.

Mr. HITCHCOCK. I would like to ask the gentleman, Has there been some charge before this committee that money of the Philippine Government has been expended in the supposed improvements or in making this general improvement which, in fact, has been expended for the improvement of private property over there?

Mr. OLMSTED. No; I think not. There was a suggestion that something of that kind had occurred in the friar lands, that something of that sort had been promised to one of the estates, but there was no evidence of the fact. There was a road built through or near some estate, but I forget when or what it cost.

Mr. HITCHCOCK. Was not the answer made that the improvement was justified because it was a part of the contract when the friar lands had been sold, or that there was an assurance that the road would be built out of public funds as an improvement of the property?

Mr. OLMSTED. No. I do not care, Mr. Speaker, to use any more of my time, and I reserve the balance.

Mr. COOPER of Wisconsin. I would like to ask the gentleman a question. You say that there can not be more than \$10,000,000 of indebtedness?

Mr. OLMSTED. This increases it \$5,000,000; from \$5,000,000 to \$10,000,000.

Mr. COOPER of Wisconsin. Suppose the maximum was reached under this, what would the total debt of the island be?

Mr. OLMSTED. Ten million dollars, and there are \$4,000,000 of bonds in Manila and the friar-land bonds, which the gentleman knows about, against which there is a contingent fund.

This bill, which I think passed the Senate unanimously, was carefully considered in the Committee on Insular Affairs and unanimously reported to this House. Its one and only purpose is to authorize the Government of the Philippine Islands to issue additional bonds from time to time to an amount not exceeding \$5,000,000, for the purpose, as stated in the bill itself—

Of providing funds to construct port and harbor works, bridges, roads, buildings for provincial and municipal schools, courthouses, penal institutions, and other public improvements for the development of the Philippine Islands by the general government thereof.

It is favored by the Secretary of War and by the President, as may be seen from the letter of the Secretary, addressed to me as chairman of the Committee on Insular Affairs, under date of April 8, 1910, and reading as follows:

WAR DEPARTMENT,
Washington, D. C., April 8, 1910.

MY DEAR MR. OLMSTED: I have been advised by Gen. Edwards of your letter to him of the 7th instant, concerning Senate bill 7400, which has passed the Senate and is now before your committee, increasing the limit of indebtedness which may be incurred by the Philippine Government for public works and improvements from \$5,000,000 to \$10,000,000.

By section 2 of the act of February 6, 1905, the Philippine Government was authorized to incur indebtedness for public works and improvements, but the indebtedness of said government under that authority was limited to \$5,000,000. Under this authority the Philippine Government has issued bonds as follows:

March 1, 1905, \$2,500,000; February 1, 1906, \$1,000,000; August 1, 1909, \$1,500,000.

Ample sinking funds have been provided by the Philippine Government for the payment of the principal of these bonds when due, and there has been no difficulty in meeting promptly the interest payments. The financial condition of the Philippine Government is at present excellent.

With the proceeds of these bond issues the Philippine Government has constructed important public works, notably the harbor improvements at Manila, Cebu, and Iloilo, and has expended considerable amounts for the construction and maintenance of highways. There had been expended at the end of the last fiscal year all but \$410,000 of the proceeds of the \$3,500,000 bonds at that time outstanding. This balance and the proceeds of the sale of the remaining \$1,500,000 of bonds have been appropriated for public works now under way or authorized.

The Governor General of the Philippine Islands is anxious that there shall be no delay in carrying on the work at present authorized or which it may be necessary to undertake in the near future, due to the lack of funds, and with the approval of the Philippine Commission he has earnestly recommended an increase of the limit of indebtedness which may be incurred for the purpose indicated from \$5,000,000 to \$10,000,000.

After carefully considering this matter I have decided to recommend that this authority be granted, and in this the President concurs. Bonds can not be issued under this authority, except in pursuance of legislation by the Philippine Government approved by the President of the United States. This insures a careful consideration of the subject before any issue can be made, and it is largely because of this assurance that I recommend this legislation.

I hope that the committee may see fit to favorably report the bill, and that it may be enacted into law at this session of Congress.

Very sincerely, J. M. DICKINSON, Secretary of War.

Hon. M. E. OLMSTED,
Chairman Committee on Insular Affairs,
House of Representatives.

Neither the passage of this bill nor the issuance of the bonds will involve the expenditure of any money by the United States nor the loan of the credit of this Government in any way. It has been suggested that this Government is the trustee or the guardian of the Philippine Islands. What sort of a guardian would it be who would not expend, or permit his ward to expend, out of his own money an amount sufficient for his necessary expenses? Except for restrictions placed upon the Philippine Government by act of Congress, it might borrow as much money as it needed. Why shall they be unreasonably restricted in making the improvements which the development of the islands so imperatively demand? With this added authority, even should it be exercised to the fullest extent, the indebtedness of the Philippine Islands would be far within the constitutional limitations placed by the various States upon the creation of indebtedness by their own municipalities. There is no danger that the fund raised by the sale of these bonds will be squandered or misused. The only argument squinting in that direction is based upon the proposition that the Philippine Government has built a few miles of road, the necessity for which no one has denied, leading out from the city of Manila, the most important and populous city in the islands. The only objection urged is that the road leads in the direction of a property leased by an officer of the Philippine Government with an option to purchase, but which option, it might be added, was never exercised. The necessity for the road amply justified its construction, even though it did include a necessary bridge, which cost some \$10,000.

Mr. Speaker, there is no State in this Union nor any city within any State whose financial affairs have been more wisely and honestly handled than those of the Philippine Islands since the American occupation. It is a matter of which we have great reason to be proud and upon which we ought to congratulate ourselves, as well as the Filipino people. No fault is found upon that side of the water. It is only here that unjust criticism is heard. Under this bill, if it shall become a law, not a single bond can be issued without the authority of the Philippine Assembly, composed entirely of natives of the islands. A measure providing for the issuance of bonds must originate in that body. It could not originate in the Philippine Commission, which is the upper house of the Philippine Legislature; but after it shall have passed the lower branch, it must have the approval of the upper house. When all that has been done, the bonds can not be issued without the approval of the President of the United States. Surely, with all these guaranties, we may safely rely upon the careful, judicious, wise, and honest exercise of the limited power to issue bonds sought to be conferred by the passage of this bill. [Applause.]

Mr. HARRISON. I now yield five minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, I do not believe in borrowing money on bonds unless it is imperatively necessary. It has always seemed to me that when the present generation desires to make improvements at the expense of their children they are taking an unfair advantage of those who will come after us. That is particularly true where we propose to authorize the people in the Philippine Islands to make improvements which we desire to have made, and which we propose that the children of the Filipinos shall pay for, and their children's children, perhaps. I do not believe in it.

I do not believe we ought to try to exploit the Philippine Islands in any way. I can see no reason why, if they need

improvements over there, ordinary improvements, they should not make them out of the current revenue.

It has been proposed here at times that our Government should borrow \$500,000,000 or \$5,000,000,000, or some other sum like that, for various public improvements. We have not inaugurated any such policy, and I can see no reason why we should inaugurate such a policy in the Philippine Islands. We give them the best end of the import duties, we give them every opportunity to raise money for current expenses, and they ought to make their improvements out of that money.

Mr. OLMSTED. Will the gentleman yield?

Mr. MANN. If the gentleman will yield me more time.

Mr. OLMSTED. I have but little time. These Filipinos would have a right to borrow this money, would they not, if Congress had not restricted them?

Mr. MANN. Very likely, and they would have a right to do a great many things if Congress had not restricted them.

Mr. OLMSTED. Does the gentleman think it is fair for Congress to restrict them from spending their own money on needed improvements in their own country? Is it not the same as it would be if the Government should restrict the State of Illinois?

Mr. MANN. Not at all. The constitution of the State of Illinois, and probably of Pennsylvania—if it does not it ought to—has restrictions against municipal bonded indebtedness. Every constitution of every proper State in the Union has provisions which limit the amount of indebtedness.

Mr. PARSONS. Yes; it limits the amount.

Mr. MANN. It limits the amount, and it would be a blessed good thing if in the city of New York there was a limitation of the amount, and properly enforced, because the time is not far distant when the people of New York will find that the payment of interest on their bonded indebtedness is more than equal to the current needs for additional improvements.

Mr. OLMSTED. Will the city of Chicago pay for current improvements out of its current revenues?

Mr. MANN. The city of Chicago does pay for current improvements out of the revenue of the city of Chicago. The city of Chicago has indebtedness now which was incurred more than 40 years ago, and which is still outstanding, raised for the purpose of making improvements which have passed away.

The indebtedness is not yet paid, the improvements are out of date, and the children yet to come have the indebtedness to pay and will derive no benefit whatever from the improvements. That is exactly what will occur in the Philippine Islands if we let this sort of thing go through. I am opposed to it.

Mr. OLMSTED. I would like to state that the limit of debt provided for here would be less than 3 per cent on the assessed valuation. Does the gentleman know of any State which has in its constitution so rigid a restriction as this bill would enforce upon the Filipinos?

Mr. MANN. I am not going to argue that question with the gentleman. It has nothing to do with this question whatever.

Mr. OLMSTED. It has a great deal to do with it.

Mr. MANN. Not at all.

Mr. OLMSTED. We are crippling them by restrictions.

Mr. MANN. How much indebtedness does the State of Pennsylvania have outstanding?

Mr. OLMSTED. It has not got a dollar outstanding.

Mr. MANN. Well, why does it not borrow money to make improvements? Why does not the State of Pennsylvania borrow money to build a road from here to Gettysburg?

Mr. OLMSTED. They are about to borrow fifty millions to complete roads. They are contemplating that.

Mr. MANN. Very likely they are contemplating, and if they do, somebody will live to regret it.

Mr. OLMSTED. They did borrow heretofore more than \$50,000,000 for public improvements, but they have paid that off.

Mr. MANN. Yes; they borrowed large sums of money possibly to build a statehouse, and we have heard of that statehouse and the use that the money was put to. It never appealed to me very much, I will say to the gentleman from Pennsylvania, although I don't know anything about it.

Mr. OLMSTED. The statehouse is paid for, and it is the handsomest one in the United States.

Mr. MANN. It is the most expensive one at least.

Mr. OLMSTED. No; it is the cheapest.

Mr. HARRISON. Mr. Speaker, I yield five minutes to the gentleman from Colorado [Mr. MARTIN].

Mr. MARTIN of Colorado. Mr. Speaker, I had not intended to say anything whatever about this measure, but a question—and a rather embarrassing question under the circumstances—was put to the chairman of the committee by a Member on this side with reference to a matter involved in the investigation now

pending before his committee, and upon which he is supposed to pass as a judge and therefore perhaps he could not very well answer that question. The question asked the gentleman was whether the funds of the Philippine Government had been expended to improve or build roads and bridges to and upon private estates. I want to say, for the information of this committee, that it has been developed before the Committee on Insular Affairs by officials of the Philippine Government, that the public funds of that island have been so expended, and that the Philippine Government entered into a contract with one of the Philippine officials, to whom it sold one of these friar estates, or to whom it gave a lease with the option of purchase, that the influence of the officials would be used to secure the construction of roads and bridges to and upon that estate.

Now, it is true that the evidence does not show that any roads or bridges have been built upon the land itself, but it does show that they had been built from the city of Manila to the estate, and one of these officials—in fact, the official who has the lease on the estate—produced a photograph of a concrete steel reinforced bridge the construction of which he said had cost about \$10,000 in gold. He also admitted that there had been one smaller bridge of that character and 15 or 16 concrete steel reinforced culverts built on the road from Manila leading up to his estate, and that about a mile of that road had been macadamized.

Mr. PARSONS. How many miles was that bridge from Manila?

Mr. MARTIN of Colorado. Well, it is only 7 miles from the city limits to the nearest point on this estate, but it does not make any difference how many miles the bridge is from Manila. The fact remains that that bridge and all of these other bridges were built subsequent to and in pursuance of the terms of an agreement entered into between the Philippine Government and one of its leading officials, when it gave this lease with option to purchase one of these friar estates which were taken over from the original owners for the ostensible purpose of distributing them among the tenants and among the Filipino people. Nor is it pertinent to the inquiry as to how much money has been expended in this way.

It is not a question to be measured merely by the expenditure that has been made, but it is a question of the character of the agreement that has been entered into, and it is a question of what may be expended under such an agreement. That is one way in which this money could be expended. If it was right to sell one of these estates to one Philippine official and build roads and bridges for him, then it would be right to sell to all the other Philippine officials and build roads and bridges to their estates. There is no difference in principle or in any of the attaching circumstances in this case.

But there is another way in which this money may be expended. In the Philippine Islands they have a summer capital up in the mountains, established for the comfort and convenience of the Philippine Government, and it is a sort of mountain summer resort, and all of the leading officials of the Philippine Government have bought themselves tracts of land in this summer capital. Some of them own as much as 12 or 15 acres of land and they have spent a large sum of money—I do not know how much, but not large by way of what will eventually be expended—in improving and beautifying this summer capital.

The SPEAKER. The time of the gentleman has expired.

Mr. HARRISON. I yield the gentleman five minutes' additional time.

Mr. MARTIN of Colorado. So it is fair to assume some of this additional bond issue will be wanted to improve the summer capital at Baguio. Perhaps some more will be wanted to finish the famous Benguet Railroad, which, by the way, is a road—

Mr. OLMSTED. If the gentleman will read the bill, he will see that railroads are not among the proposed improvements.

Mr. MARTIN of Colorado. I was about to say this Benguet Road is a wagon road of about 40 miles in length—

Mr. SHEPPARD. The term here, "other public improvements," will include almost everything.

Mr. MARTIN of Colorado. Yes; I think the suggestion of the gentleman from Texas is pertinent, and that the words "other public improvements" might include anything and everything. But I say some of this proposed bond issue might be expended on the Benguet Road, which extends from the nearest railroad point to Baguio and is a wagon road about 40 miles in length, which is said to actually have cost over \$1,000,000, though some one has stated that it has cost \$2,000,000 or \$3,000,000, and it is not finished yet. It is said to be the worst piece of extravagance and incompetence, not to use a

worse characterization, of the American administration in the Philippine Islands.

Probably some part of this bond issue will be devoted to finishing the Benguet Road, so that our Government over there will have a safe, suitable, and convenient method of travel from Manila to the summer capital.

Now a word with reference to taxation. I am sorry I did not know this bill was coming up. I have in my office a copy of a memorial from the Filipino Chamber of Commerce in Manila to the Secretary of War when he made his recent visit to the Philippine Islands, and it paints a vastly different picture of the conditions existing there from that given by the Secretary of War to Congress and the country on his return. The statement, among other things, is that the Filipino people are now taxed about \$21,000,000 per annum, and that the amount of their taxation exceeds the circulating medium of the Philippine Islands \$21,000,000—

Mr. COOPER of Wisconsin. Twenty-one million pesos.

Mr. MARTIN of Colorado. Twenty-one million pesos, and that amount exceeds by about \$1,000,000 the entire circulating medium of the islands. So it is, perhaps, for some of these purposes that some of this bond issue is intended. I would like to ask the gentleman from Pennsylvania a question, and that is, Under what provision of law the Philippine Government guarantees the interest on railroad bonds and indebtedness on railroads constructed by private persons or companies?

Mr. OLMSTED. I desire to say to the gentleman that I never made the assertion that our Government has guaranteed—

Mr. MARTIN of Colorado. Well, I make the assertion the Philippine Government has at this time guaranteed the interest on half a million dollars or more of railway bonds.

Mr. MANN. We passed such a law here a few years ago.

Mr. OLMSTED. That was authorized by act of Congress, as I understand it.

Mr. MARTIN of Colorado. Then, that being the case, will any part of the fund to be raised by this additional bond indebtedness be devoted to making good those guaranties of interest?

Mr. OLMSTED. No; it would not.

Mr. MARTIN of Colorado. Or be held as a reserve to guarantee the payment of future issues by the Philippine Government of that character.

Mr. OLMSTED. The bonds issued under this bill could not be used for that purpose.

The SPEAKER. The time of the gentleman has again expired.

Mr. HARRISON. Will the gentleman on the other side consume some of his time?

Mr. OLMSTED. We prefer to hear the gentlemen on that side.

Mr. HARRISON. Mr. Speaker, it is not my intention to make any extended remarks about this measure. My purpose in demanding a second was primarily to obtain an explanation from the gentleman from Pennsylvania, although I was then and am now, after hearing that explanation, opposed to the bill. In acting for the people of the Philippine Islands we act as trustees. Now, the reason assigned by the gentleman from Pennsylvania for this additional bond issue is simply that the people of the Philippine Islands want it. We are their guardians or trustees, and the primary consideration in our minds should not be what those people want, but what they ought to have.

Mr. OLMSTED. They need it.

Mr. HARRISON. We are their guardians, just as if they were children. They are not fit for self-government. If they were, we ought to cut loose from them to-day and make them independent and self-governing. They are not fit to do that, and before we force a bond issue which will be a burden upon them and their descendants for years to come, some proper measure of justification should be advanced in explanation of this bill. Such measure has not been advanced, in my judgment, by the gentleman from Pennsylvania [Mr. OLMSTED]. He says they want this money for public improvements. I have no doubt if we let them do it they would go ahead and use two or three hundred millions of dollars and have a perfect carnival of improvement there. We do not allow the Indian tribes to enter into financial burdens. We guard over them, and just so we have to guard over the people of the Philippine Islands. It is not a very grateful task. They are far from us here in Washington, and we have to be very careful of every step we take in their financial development. The gentleman from Pennsylvania [Mr. OLMSTED] no doubt meant to give us all the information he had on the subject.

Mr. OLMSTED. I meant to give all I could in the short time.

Mr. HARRISON. But he did not make it plain to me what the necessity was for this issue; he did not make it plain to me what the current working balance of the Philippine Islands was; he could not state to me whether the sum of money they now have in the United States is \$5,000,000 or \$10,000,000, or just how much it is; and at the last session of this Congress he was unable to enlighten the House as to just where that money was on deposit. He knew full well that this Capitol was filled with rumors that the treasury of the Philippine Islands had been favoring a certain clique of bankers in New York City to the exclusion of other banking interests of this country, and he could not give us the names; he can not give us the amount now; he can not give us the working balance of the Philippine Islands.

Mr. OLMSTED. Two million dollars.

Mr. HARRISON. Two million dollars. He conceded that statement after having a good many questions showered upon him.

Mr. Speaker, in my judgment, the House does not know enough about this measure to jam it through under suspension of the rules, and I hope the House will vote it down.

Mr. OLMSTED. Mr. Speaker, I yield five minutes to the gentleman from Kansas [Mr. MADISON].

Mr. MADISON. Mr. Speaker, this bill has the unanimous recommendation of the Committee on Insular Affairs, of which I have the honor to be a member. After a very careful consideration of the bill, the committee recommended its passage. Why? Because there was a great necessity for the money which these bonds will provide.

The gentleman from New York [Mr. HARRISON] inquires what the necessity is for the issuance of these bonds and the raising of this money. The answer to that is the purposes for which the money is to be expended. What is the necessity of any new, undeveloped country for ports and harbors? What is the necessity of any undeveloped and wild country for roads? What is the necessity of any new and only partially civilized country for schoolhouses? That is the answer. [Applause.] Those things are absolutely imperative for the development of the Philippine Islands.

Mr. HITCHCOCK. Will the gentleman yield?

Mr. MADISON. I beg the gentleman's pardon, but I have only five minutes.

Mr. HITCHCOCK. Just a question.

Mr. MADISON. No; not at this time. I want to pursue the thought which I am trying to develop here.

The American Government has done a wonderful work in the Philippine Islands. The man who would cast an aspersion upon the work of that Government in those islands ought to think twice before he does it. Some of the bravest, wisest, and best of our countrymen have gone over there and given up their lives and all the splendid opportunities existing for them in their own land to labor for the upbuilding of those people, and the money that has come into their hands has been woefully meager for the accomplishment of the tasks that has been placed upon them. They need the funds these bonds will provide to expedite their work—the development of the material resources and the civilization of the islands. They are not asking for this money in their own behalf, and they do not plead alone, but the entire Filipino people are asking for it. It was stated by the chairman of the committee that Mr. QUEZON, who represents a party in the Philippine Islands that is asking for immediate independence, asks upon behalf of his people for this money. Why? I have no doubt that it is because he realizes that it is necessary that his countrymen shall be educated; that his country shall be developed, in order that the Filipino people may at some time be prepared to assume the responsibilities of government, a government that will be the head of a civilized and prosperous nation.

I want to say this, gentlemen, from my conviction of what is for the greatest good of the Filipino people, that no man who earnestly desires the development, the growth, the civilization of these people should for one moment hesitate in casting his vote for this measure.

No bonds will be issued without the consent of the Filipinos. They have the matter in their own hands through their legislature. The bill that authorizes the issuance of these bonds must originate in the Philippine Assembly. Every man who has a seat in that body is a Filipino. Then the bill must go to the Philippine Commission, composed partly of Americans and partly of Filipinos, and be approved there, and then must receive the sanction of the President of the United States.

Now, not a single bond for a single dollar will be issued with these checks, unless it is necessary, and if bonds are issued we have every assurance, from the experience of the past, that every dollar realized from their sale will be honestly expended.

But if you leave these improvements to be paid for from the meager current funds of the Philippine Government, the roads will not be built, the schoolhouses will not be erected, the harbors and ports will not be improved, and you will retard the growth of the Philippine Islands and fail to do your duty as the guardians of an alien people. [Applause.]

Mr. OLMSTED. Mr. Speaker, I ask for a vote.

The SPEAKER. The question is on the passage of the bill. The question was taken; and on a division (demanded by Mr. HARRISON) there were—ayes 67, noes 34.

Mr. OLMSTED. Mr. Speaker, I ask for tellers.

Tellers were ordered, and the Chair appointed as tellers Mr. OLMSTED and Mr. HARRISON.

The House again divided; and the tellers reported that there were—ayes 63, noes 44.

So (two-thirds not having voted in favor thereof) the motion was lost.

IMMIGRANT STATION, BOSTON.

Mr. KELIHER. Mr. Speaker, I move to suspend the rules and pass the bill (S. 10221) to authorize the Secretary of Commerce and Labor to exchange the site for the immigrant station at the port of Boston.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of Commerce and Labor be, and he is hereby, authorized to exchange the site heretofore acquired for an immigrant station at Boston, Mass., for another suitable site, the additional cost not to exceed \$30,000.

The SPEAKER. Is a second demanded?

Mr. STAFFORD. Mr. Speaker, I demand a second.

Mr. KELIHER. I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is there objection?

There was no objection.

Mr. KELIHER. Mr. Speaker, a law authorizing the purchase of a site and erection of an immigration station at Boston passed the last Congress. The money needed for these purposes was appropriated and is now available. The Secretary of Commerce and Labor, acting under that authority, purchased a site in Boston. After the Government took title, the State of Massachusetts appropriated \$3,000,000 to be expended for the development of Boston's water front. That development would have been greatly marred, if not rendered impossible, if the Government utilized its present site. Consequently it was deemed necessary by the Boston Chamber of Commerce to ask the Government to exchange its site for one that would not interfere with the development scheme. A better site was tendered the Government in exchange and at the same cost per square foot, and far more desirably situated, in the same locality.

As Congress was adjourning for the summer, believing that the exchange might be desired to be made during the recess of Congress, a proviso was written into the public-buildings bill which authorized the Secretary of Commerce and Labor to make the exchange at no additional cost. I drew the proviso but made this mistake, instead of having it read "no additional cost per square foot," I made it read "no additional cost," thus binding the hands of the Government and making the exchange impossible. Consequently the Secretary of Commerce and Labor, although offered a site worth far more per square foot at the same price that was paid for the original site, could not make the exchange. The new site contains more land, and in order to bring about a rectification of the mistake the passage of this bill is asked.

Mr. MANN. I suppose the gentleman from Massachusetts will pay the additional expense.

Mr. KELIHER. Willingly. [Laughter.] The additional expense will come out of the money already appropriated for the purchase of a site.

Mr. STAFFORD. Is the Government going to receive the same amount from the old tract that is to be abandoned for the benefit of municipal government?

Mr. KELIHER. The Government is not only going to get as much as it paid for in the old site, but a great deal more and far better land in order that the great work of development of our dock system may be carried on. Great concessions are being made by individual owners to the Government that these plans may be successfully carried out by the State of Massachusetts.

Mr. STAFFORD. I understand the additional amount of land to the Government property is the reason for this increase?

Mr. KELIHER. Yes; it is larger and a far more practical location than the original site.

Mr. STAFFORD. I have no objection.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

RELIEF OF SUFFERERS IN CHINA.

Mr. HUMPHREY of Washington. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 32473) for the relief of the sufferers from famine in China, as amended, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War is hereby authorized to transport, under the supervision of the National Red Cross Society, all supplies donated by the people of the United States for the relief of the sufferers from famine in China, and for this purpose may order one of the Army transports from Seattle, Wash., to China.

The SPEAKER. Is a second demanded? [After a pause.] If not, the question will be taken on suspending the rules and passing the bill.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended, and the bill was passed.

DISPOSITION OF SURPLUS WATERS OF PROJECTS UNDER RECLAMATION ACT.

Mr. REEDER. Mr. Speaker, I move to suspend the rules and pass the bill (S. 6953) authorizing contracts for the disposition of waters of projects under the reclamation acts, and for other purposes, as amended, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That whenever in carrying out the provisions of the reclamation law, storage or carrying capacity has been or may be provided in excess of the requirements of the lands to be irrigated under the projects, the Secretary of the Interior, preserving a first right to lands and entrymen under the projects, is hereby authorized, upon such terms as he may determine to be just and equitable, to contract for the impounding, storage, and carriage of water to an extent not exceeding such excess capacity with irrigation systems operating under the act of August 18, 1894, known as the Carey Act, and individuals, corporations, associations, and irrigation districts organized for or engaged in furnishing or in distributing water for irrigation. Water so impounded, stored, or carried under any such contracts shall be for the purpose of distribution to individual water users by the party with whom the contract is made: *Provided, however*, That water so impounded, stored, or carried shall not be used otherwise than as prescribed by law as to lands held in private ownership within Government reclamation projects. In fixing the charges under any such contracts for impounding, storing, or carrying water for any irrigation system, corporation, association, or district, as herein provided, the Secretary shall take into consideration the cost of construction and maintenance of the reservoir by which such water is to be impounded or stored, or the canal by which it is to be carried, and such charges shall be just and equitable as to water users under such project.

In fixing rates and charges in such contracts for the storing or carrying of water to any irrigation system, corporation, association, water users, or district, as herein provided, the Secretary shall take into consideration the cost of construction and maintenance of the reclamation project, and such rates and charges shall be just and equitable as to water users under such project. No irrigation system, district, association, or corporation so contracting shall make any charge for the storage, carriage, or delivery of such water in excess of the charge paid by it to the United States except to such extent as may be reasonably necessary to cover cost of carriage and delivery of such water through its works.

SEC. 2. That in carrying out the provisions of said reclamation act and acts amendatory thereof or supplementary thereto, the Secretary of the Interior is authorized, upon such terms as may be agreed upon, to cooperate with irrigation districts, water users' associations, corporations' entrymen, or water users for the construction or use of such reservoirs, canals, or ditches as may be advantageously used by the Government and irrigation districts, water users' associations, corporations' entrymen, or water users for impounding, delivering, and carrying water for irrigation purposes: *Provided*, That the title to and management of the works so constructed shall be subject to the provisions of section 6 of said act: *Provided further*, That water shall not be furnished from any such reservoir or delivered through any such canal or ditch to any one landowner in excess of an amount sufficient to irrigate 160 acres: *Provided*, That nothing contained in this act shall be held or construed as enlarging or attempting to enlarge the right of the United States, under existing law, to control the waters of any stream in any State.

SEC. 3. That the moneys received in pursuance of such contracts shall be covered into the reclamation fund and be available for use under the terms of the reclamation act and the acts amendatory thereof or supplementary thereto.

The title was amended so as to read: "An act to authorize the Government to contract for impounding, storing, and carriage of water, and to cooperate in the construction and use of reservoirs and canals under reclamation projects."

The SPEAKER. Is a second demanded?

Mr. MANN. Mr. Speaker, I demand a second.

Mr. REEDER. I ask unanimous consent that a second be considered as ordered.

There was no objection.

Mr. REEDER. Mr. Speaker, this bill will have the effect of expediting the irrigation of lands in the West on account of these conditions. In many of the irrigation projects there is a large amount of land which can be irrigated. There is generally but one right good place to impound the waters, and the Government has followed the plan of separating the project into units, and in doing so certain lands that could be irrigated can not be irrigated for a number of years, yet a large

per cent of the initial expense for the whole project is necessarily made at first. This bill provides that when the Government has undertaken a project and started in to build a reservoir and ditches, if private individuals desire to come in and take another unit of that same project and assist in building the dams and ditches and paying for the extra expense necessary to this land, the Government will permit the impounding of the waters therefor in the reservoir and carry this water in Government ditches.

Mr. MANN. Will the gentleman yield?

Mr. REEDER. Yes, sir.

Mr. MANN. If the gentleman will permit, I will not occupy any of my own time, but use some of his. The gentleman is the chairman of the committee which reported this bill, which is a Senate bill. The bill as reported is materially different from the bill as it passed the Senate. The Senate bill, in my opinion, is very objectionable. Is it the intention when this bill passes the House in the shape that it is reported to the House to reinstate the provisions of the Senate bill without even controversy?

Mr. REEDER. Mr. Speaker, I think I am safe in saying that the Senate will not ask that such provision be reinserted. If they do, we will certainly insist that our provisions remain in the bill, for the reason our changes have been made largely if not entirely with the idea of not establishing a system of selling water, but simply of permitting the impounding and carrying of the water which is appurtenant to their lands.

Mr. MANN. It was feared by many, Mr. Speaker, when the Reclamation Service was provided for, that it would lead in the end to the Government expending large sums of money for the benefit of private individuals who were then owners of lands. That fear is in part realized by the provisions of this bill. I am not entirely certain, but they are in part realized by the provisions of the bill as amended by the House committee. I have always been perfectly willing to provide for the Reclamation Service. I am not in favor of the Government, at Government expense, providing for the irrigation of the lands of individuals or turning over the water to companies out there to make profit by being middlemen between the water which is reserved and the water which is used. With those observations, as far as I am concerned, I do not propose to say anything more.

The SPEAKER. The question is on the motion to suspend the rules and pass the bill.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended, and the bill was passed.

WATER POWER ON IRRIGATION PROJECTS.

Mr. REEDER. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 32172) to amend an act entitled "An act providing for the withdrawal from public entry of lands needed for town-site purposes in connection with irrigation projects under the reclamation act of June 17, 1902, and for other purposes," approved April 16, 1906, as amended, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That section 5 of an act entitled "An act providing for the withdrawal from public entry of lands needed for town-site purposes in connection with irrigation projects under the reclamation act of June 17, 1902, and for other purposes," approved April 16, 1906, be amended so as to read as follows:

"SEC. 5. That whenever a development of power is necessary for the irrigation of lands, under any project undertaken under the said reclamation act, or an opportunity is afforded for the development of power under any such project, the Secretary of the Interior is authorized to lease for a period not exceeding 10 years, giving preference to municipal purposes, any surplus power or power privilege, and the money derived from such leases shall be covered into the reclamation fund and be placed to the credit of the project from which such power is derived: *Provided*, That no lease shall be made of such surplus power or power privileges as will impair the efficiency of the irrigation projects: *Provided further*, That the Secretary of the Interior is authorized to make such lease for a longer period not exceeding 50 years, with the approval of the water users' association, or associations under any such project, organized in conformity with the rules and regulations prescribed by the Secretary of the Interior in pursuance of section 6 of the reclamation act, approved June 17, 1902."

The SPEAKER. Is a second demanded?

Mr. MANN. Mr. Speaker, I demand a second.

Mr. REEDER. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

There was no objection.

Mr. REEDER. The object of this bill is simply to permit the lease of the power obtained from the escape of water from these irrigation reservoirs when it is to be used for irrigation, and that the time fixed for such lease be 50 years. This length of time is set by the amendment, because the general policy in leasing water powers by the Government seems to be 50 years, for the reason that they can not be profitably improved for a shorter time.

Mr. MANN. But in the bills which we have passed in reference to dams elsewhere and in the general dam law, the Government reserves the right to make such alteration or amendment in reference to the projects as it pleases.

Mr. REEDER. But this is not a bill that pertains to a dam.

Mr. MANN. Does not the gentleman's bill propose to give to the Secretary of the Interior power absolutely to give these water rights for 50 years in such a way that Congress can not in any way interfere with them after that is done, and Congress will have no control?

Mr. REEDER. This has nothing to do with the building of a dam, but when a reservoir is built and the water is permitted to escape therefrom to irrigate the land the power produced can be leased for a term of 50 years.

Mr. MANN. I fail to see where we put control over a man who puts in a dam we should fail to put control over where we put Government money into a dam, and perhaps produce water power. It does not seem to me that makes a strong case for the gentleman.

Mr. REEDER. Every particle of the money that goes into these reservoirs is the people's money who own the lands to be irrigated from these reservoirs.

Mr. MANN. It is not the people's; it is the money of the United States.

Mr. COLE. Mr. Speaker, there are two changes to existing law in this bill. In existing law the Secretary of the Interior is authorized to make leases for a period not exceeding 10 years of any water power developed in conjunction with one of these Government irrigation projects. The theory underlying that is that at the expiration of the 10-year period this power would be owned by the Water Users' Association. Now we provide that the Secretary of the Interior shall be authorized to lease this power for a longer period than 10 years, not exceeding 50, with the approval of the Water Users' Association. Why? Because the Water Users' Association has an equity in the water power which the Secretary of the Interior can not and is not under existing law, or under any law, authorized to dispose of. In conjunction with the project down in New Mexico and Texas the Water Users' Association want to develop this water power for certain purposes, and they are asking for the passage of this amendment because they can not develop this power on a lease for only a period of 10 years.

That is the reason, Mr. Speaker, they are asking Congress for relief at this time. It is simply putting into the hands of the Water Users' Association, who own this power at the expiration of 10 years, the power to approve or disapprove of the action of the Secretary of the Interior. It occurs to me it is placing the power where it belongs—in the hands of the men who are paying for the project.

Mr. MARTIN of South Dakota. If the gentleman will permit me, of course after the 10 years the property would pass over to the Water Users' Association and they could lease for any period of time they desired.

Mr. COLE. Yes.

Mr. MARTIN of South Dakota. This bill would permit the binding up of that power for a period of 50 years and during the period when the project was in its formative state.

Mr. COLE. With their consent.

Mr. MARTIN of South Dakota. Certainly; with their consent, but does the gentleman think it a wise policy in the early stages of the development of irrigation enterprises of that kind to put a lien upon the power that might be developed for a period of 50 years?

Mr. COLE. Now, Mr. Speaker, let me answer in the same way that the representatives of the Water Users' Association placed it before the committee. They claim that by the installation of this machinery during the development of the property they can effect great economy, and that is the reason why they want these leases extended at that time. They can not float these bonds in the 10-year period. They must have a longer period of time.

Mr. MARTIN of South Dakota. The Government, in the first instance, and the Water Users' Association, in the second instance, would be under obligation to maintain the power.

Mr. COLE. This bill incurs no liability on the part of the Government whatever. It only modifies existing law in those two particulars.

Mr. MARTIN of South Dakota. Of course, ordinarily when we consent to a long lease of water privileges we expect the lessee to make the improvements and make the expenditures, but here is a proposition where you practically bind the Government, in the first instance, and the Water Users' Association, in the second instance, to maintain this reservoir and dam over a period of 50 years. It might be a burden upon this enterprise and absolutely swamp the irrigation project.

Mr. COLE. They might agree at the end of 10 years as at present.

Mr. MARTIN of South Dakota. I think it is wrong to put on these reclamation projects, which are organized primarily to irrigate lands for settlers, an obligation to bind them up for 50 years to maintain a condition by which power could be delivered to any company or association of individuals. This is evidently a subject that ought not to be disposed of in this hop-skip-and-jump manner after 6 o'clock in the afternoon.

Mr. COLE. I agree with the gentleman that this is a serious matter, and perhaps should have more consideration than the House can give it this afternoon. But we are nearing the closing hours of this session and it is necessary to pass judgment in important matters in a short period of time.

Mr. MARTIN of South Dakota. But here is a policy that has been developed for years, and, as one of the members of the committee that drafted the reclamation law, certainly I should oppose putting onto it a subsidiary power proposition for a term of 50 years that might in the end prove very embarrassing.

Mr. COLE. I have also been a member of this committee for a period of six years. I have watched with great interest the development of many of these irrigating projects, and when these gentlemen appeared and asked for this relief, and demonstrated to the satisfaction of the committee that it would work an economy of at least \$1,000,000 to this project, it occurred to me that it was the duty of this committee and Congress to grant the relief asked for.

Mr. MARTIN of South Dakota. I think it would be much better to pass an act to relieve that particular situation rather than to pass a measure to take on all projects of this sort.

Mr. REEDER. Let me read for the gentleman's benefit, beginning on line 13, page 2, of the bill:

No lease shall be made of such surplus power or power privileges as will impair the efficiency of the irrigation project: *Provided further*, That the Secretary of the Interior is authorized to make such a lease for a longer period, not exceeding 50 years, with the approval of the water users' association or associations under any such project, etc.

It can not be made a detriment to the water users, and then, too, it is with their consent. It seems to me it is a perfectly safe proposition.

Mr. MONDELL. Mr. Chairman, it seems to me this legislation ought to be enacted. I can not conceive of any condition which could arise under which a burden would be placed upon a reclamation project by this legislation. What we are providing for is an income to the project. Surely, the Secretary of the Interior will make no contract under which a water users' association or the Reclamation Service will be placed under any obligations to deliver any power, or any water for the production of power, which it does not possess. At the end of about 10 years these projects, if they move along in an orderly way, pass into the hands of the people—the water users' association.

Now, it seems to me it might occur during that period of 10 years that it would be greatly in the interest of the project and in the interest of the people who live under it, that they have an opportunity to enter into a contract with parties desiring to use power for the surplus power developed by the project. And that is what this act proposes. It is true the contract is made by the Secretary of the Interior, but it, in fact, is made by the water users' association, because except the water users' association approve of it, it can not be made beyond the period of 10 years, and as these projects do develop a considerable amount of water power, and we are leaving in the hands of the people directly interested the opportunity to say whether or no the contract shall be made, and what the form of the contract shall be, the legislation, it seems to me, is clearly in the interest of the people directly interested in the project and those who own the land under the project.

The SPEAKER. The question is on the motion to suspend the rules and pass the bill.

The question was taken, and the Chair announced that the ayes seems to have it.

Mr. MANN. Mr. Speaker, I demand a division.

The House divided; and there were—ayes 28, noes 26.

So (two-thirds not voting in favor thereof) the motion to suspend the rules and pass the bill was lost.

ENROLLED BILLS SIGNED.

The SPEAKER announced his signature to enrolled bills and joint resolution of the following titles:

S. 7901. An act providing for the restoration and retirement of Frederick W. Olcott as a passed assistant surgeon in the Navy;

S. 1318. An act for the relief of Arthur H. Barnes;

S. 7128. An act granting to the town of Wilsoncreek, Wash., certain lands for reservoir purposes;

S. 5873. An act for the relief of John M. Blankenship;

S. 4780. An act for the relief of the heirs of George A. Armstrong;

S. 3494. An act for the relief of Edward Forbes Greene;

S. 3097. An act for the relief of Douglas C. McDougal;

S. 2429. An act for the relief of the estate of James Mitchell, deceased;

S. 1028. An act to appoint Warren C. Beach a captain in the Army and place him on the retired list;

S. 8353. An act for the relief of S. S. Somerville;

S. 10324. An act extending the provisions of the act approved March 10, 1908, entitled "An act to authorize A. J. Smith and his associates to erect a dam across the Choctawhatchee River in Dale County, Ala.;"

S. 10288. An act granting to Herman L. Hartenstein the right to construct a dam across the St. Joseph River near Mottville, St. Joseph County, Mich.;

S. 9405. An act to amend section 5 of the act of Congress of June 25, 1910, entitled "An act to authorize advances to the reclamation fund, and for the issue and disposal of certificates of indebtedness in reimbursement therefor, and for other purposes;"

S. 6386. An act to diminish the expense of proceedings on appeal and writ of error or of certiorari;

S. 6693. An act to amend an act entitled "An act permitting the building of a dam across the Mississippi River at or near the village of Sauk Rapids, Benton County, Minn.," approved February 26, 1904;

S. 8592. An act to authorize the construction of a bridge across the Missouri River between Lyman County and Brule County, in the State of South Dakota;

S. 8583. An act for the relief of Malcolm Gillis; and

S. J. Res. 94. Joint resolution authorizing the President to give certain former cadets of the United States Military Academy the benefit of a recent amendment of the law relative to hazing at that institution.

MONUMENT AT GERMANTOWN, PA.

Mr. MOORE of Pennsylvania. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 9137) to appropriate the sum of \$30,000 as a part contribution toward the erection of a monument at Germantown, Pa., in commemoration of the founding of the first permanent German settlement in America, with amendments.

The Clerk read the bill, as follows:

Be it enacted, etc., That the expenditure of the sum of \$25,000 is hereby authorized to aid in erecting a monument at Germantown, Pa., in commemoration of the founding of the first permanent German settlement in America: *Provided*, That no part of the sum herein authorized shall be expended until there shall have been raised and made available for the erection of said monument an additional sum of at least \$25,000: *Provided further*, That the design of said monument shall be approved by the Secretary of War, the governor of the State of Pennsylvania, and the president of the National German-American Alliance; and the money for the erection of the said monument shall be expended under the supervision of the Secretary of War, the governor of Pennsylvania, and the president of the National German-American Alliance: *And provided further*, That the responsibility for the care and keeping of the said monument shall be and remain with the city of Philadelphia, Pa., it being understood that the United States shall have no responsibility therefor.

The SPEAKER. Is a second demanded?

There was no demand for a second.

The question being taken, and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed. The title was amended.

WEIGHING SILVER COIN.

Mr. MCKINLEY of Illinois. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 24885) to amend section 3536 of the Revised Statutes of the United States, relating to the weighing of silver coins.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 3536 of the Revised Statutes of the United States be, and the same is hereby, amended so as to read as follows:

"Sec. 3536. In adjusting the weight of the silver coins the following deviations shall not be exceeded in any single piece: In the dollar, the half and quarter dollar, and in the dime, $1\frac{1}{2}$ grains."

The SPEAKER. Is a second demanded?

There was no demand for a second.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

STANDARDS FOR COINAGE.

Mr. MCKINLEY of Illinois. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 24886) to amend sections 3548 and 3549 of the Revised Statutes of the United States, relative to the standards for coinage.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 3548 of the Revised Statutes of the United States be, and the same is hereby, amended so as to read as follows:

"Sec. 3548. For the purpose of securing a due conformity in weight of the coins of the United States to the provisions of the laws relating to coinage, the standard troy pound of the Bureau of Standards of the United States shall be the standard troy pound of the Mint of the United States, conformably to which the coinage thereof shall be regulated."

Sec. 2. That section 3549 of the Revised Statutes of the United States be, and the same is hereby, amended so as to read as follows:

"Sec. 3549. It shall be the duty of the Director of the Mint to procure for each mint and assay office, to be kept safely thereat, a series of standard weights corresponding to the standard troy pound of the Bureau of Standards of the United States, consisting of a 1-pound weight and the requisite subdivisions and multiples thereof, from the hundredth part of a grain to 25 pounds. The troy weight ordinarily employed in the transactions of such mints and assay offices shall be regulated according to the above standards at least once in every year, under the inspection of the superintendent and assayer; and the accuracy of those used at the mint at Philadelphia shall be tested annually, in the presence of the assay commissioners, at the time of the annual examination and test of coins."

The SPEAKER. Is a second demanded?

There was no demand for a second.

The question being taken, and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

CHICKAMAUGA AND CHATTANOOGA NATIONAL MILITARY PARK.

Mr. MOON of Tennessee. Mr. Speaker, I move to suspend the rules and pass House joint resolution (H. J. Res. 146) creating a commission to investigate and report on the advisability of the establishment of permanent maneuvering grounds and camp of inspection for troops of the United States at or near the Chickamauga and Chattanooga National Military Park.

The Clerk read the House joint resolution, as follows:

Resolved, etc., That the President of the United States be, and he is hereby, authorized and directed to appoint a commission consisting of five officers of the Army of the United States to make a full and complete investigation, and consider carefully whether or not it is advisable to make, establish, and maintain a maneuvering ground and camp of inspection for United States troops at or near the Chickamauga and Chattanooga National Military Park. Said commission shall fully consider the advantages and disadvantages of the lands contiguous to or near to said park for the purposes herein stated, and report fully as to probable number of acres of land necessary to purchase, and the probable cost of the same, and as to all facts and conditions material to be considered in the premises. The report shall be filed in the War Department by December 1, 1911, and communicated to Congress thereafter as soon as practicable by the President.

Sec. 2. That the members of said commission shall serve without pay, but shall be paid their necessary expenses for traveling and hotel bills out of the appropriation for Chickamauga and Chattanooga National Military Park.

The SPEAKER. Is a second demanded?

There was no demand for a second.

The question being taken, and two-thirds having voted in favor thereof, the rules were suspended, and the House joint resolution was passed.

MEMORIAL TO COMMODORE PERRY.

Mr. KEIFER. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 29503) to promote the erection of a memorial in conjunction with a Perry's victory centennial celebration on Put in Bay Island during the year 1913 in commemoration of the one hundredth anniversary of the battle of Lake Erie and the northwestern campaign of Gen. William Henry Harrison in the War of 1812.

The Clerk read the bill at length.

Mr. MACON. Mr. Speaker, I make the point of no quorum. I do not think we ought to sit here and appropriate \$250,000 with so small a number of Members present.

The SPEAKER. The Chair sustains the point of no quorum.

Mr. MANN. Mr. Speaker, I move that the House do now adjourn.

The question was taken; and on a division (demanded by Mr. JAMES) there were 29 ayes and 24 noes.

So the motion was agreed to; accordingly the House (at 6 o'clock and 29 minutes) adjourned until to-morrow, Wednesday, February 8, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting findings as to claims of letter carriers of Greater New York for additional salary (H. Doc. No. 1361); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of War submitting an estimate of appropriation for maps (H. Doc. No. 1362); to the Committee on Military Affairs and ordered to be printed.

3. A letter from the president of the Washington Gas Light Co., transmitting the report for the year ended December 31,

1910 (H. Doc. No. 1363); to the Committee on the District of Columbia and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. HULL of Iowa, from the Committee on Military Affairs, to which was referred the bill of the House (H. H. 32473) for the relief of the sufferers from famine in China, reported the same with amendment, accompanied by a report (No. 2079), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. NYE, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 32221) to establish a new judicial district in the State of Kansas, reported the same with amendment, accompanied by a report (No. 2083), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HULL of Iowa, from the Committee on Military Affairs, to which was referred the resolution of the Senate (S. J. Res. 132) authorizing the delivering to the commander in chief of the United Spanish War Veterans of one or two dismounted bronze cannon, reported the same without amendment, accompanied by a report (No. 2084), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. McCALL, from the Committee on the Library, to which was referred the bill of the Senate (S. 3662) for the erection of a monument over the grave of President John Tyler, reported the same without amendment, accompanied by a report (No. 2087), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. STEVENS of Minnesota, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 29866) to amend section 8 of an act entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," approved June 30, 1906, reported the same with amendment, accompanied by a report (No. 2082), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. DRAPER, from the Committee on Pensions, to which were referred sundry bills of the Senate, reported in lieu thereof the bill (S. 10453) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors, accompanied by a report (No. 2080), which said bill and report were referred to the Private Calendar.

Mr. LOUDENSLAGER, from the Committee on Pensions, to which were referred sundry bills of the Senate, reported in lieu thereof the bill (S. 10327) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors, accompanied by a report (No. 2081), which said bill and report were referred to the Private Calendar.

Mr. MORGAN of Missouri, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 2469) for the relief of Alfred Childers, reported the same without amendment, accompanied by a report (No. 2085), which said bill and report were referred to the Private Calendar.

Mr. ENGLEBRIGHT, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 30969) for the relief of William Porter White, reported the same without amendment, accompanied by a report (No. 2086), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 28500) granting an increase of pension to James B. Graham; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 28923) granting an increase of pension to Edward Skahan; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. WANGER: A bill (H. R. 32570) providing for the regulation, identification, and registration of automobiles engaged in interstate commerce, and the licensing of the operators thereof; to the Committee on Interstate and Foreign Commerce.

By Mr. MADISON: A bill (H. R. 32571) to consolidate certain forest lands in the Kansas National Forest; to the Committee on the Public Lands.

By Mr. ESTOPINAL: A bill (H. R. 32572) increasing the limit of cost of construction of the courthouse and post-office building at New Orleans, La.; to the Committee on Public Buildings and Grounds.

By Mr. GRANT: A bill (H. R. 32573) to amend section 2 of the act of Congress of June 27, 1890; to the Committee on Invalid Pensions.

By Mr. CRUMPACKER: Joint resolution (H. J. Res. 283) relating to the harbor improvement at Indiana Harbor, Ind.; to the Committee on Rivers and Harbors.

By Mr. BURKE of South Dakota: A memorial of the Legislature of South Dakota requesting the Congress of the United States to enlarge the military reservation of Fort Meade, S. Dak., and to construct permanent buildings for the accommodation of a full regiment of Cavalry; to the Committee on Military Affairs.

By Mr. MARTIN of South Dakota: A memorial of the Legislature of South Dakota, requesting the Congress of the United States to enlarge the military reservation of Fort Meade, S. Dak., and to construct permanent buildings for the accommodation of a full regiment of Cavalry; to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON: A bill (H. R. 32574) granting an increase of pension to Henry Stork; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32575) granting an increase of pension to Jacob Clark; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32576) granting an increase of pension to Henry M. Inman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32577) granting an increase of pension to William M. Van Marter; to the Committee on Invalid Pensions.

By Mr. BARTHOLDT: A bill (H. R. 32578) directing the Secretary of War to convey the outstanding legal title of the United States to lot No. 20, square No. 253, in the city of Washington, D. C.; to the Committee on the District of Columbia.

By Mr. BURKE of South Dakota: A bill (H. R. 32579) granting an increase of pension to Jacob Desmuke; to the Committee on Invalid Pensions.

By Mr. BYRD: A bill (H. R. 32580) for the relief of Mrs. Henty Myers; to the Committee on War Claims.

By Mr. CAMERON: A bill (H. R. 32581) to enable the city of Phoenix, in the county of Maricopa and Territory of Arizona, to issue and sell its bonds to the amount of \$400,000 for the purpose of providing a sanitary sewer system in and for said city, and to apply out of the proceeds of the sale of said bonds an amount not exceeding the sum of \$60,000 for the purchase of the sewer system of the Phoenix Sewer & Drainage Co.; to the Committee on the Territories.

By Mr. CAPRON: A bill (H. R. 32582) granting an increase of pension to Waldo Raynsford; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32583) granting an increase of pension to Zina W. Johnson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32584) granting an increase of pension to Ernest S. Cash; to the Committee on Pensions.

Also, a bill (H. R. 32585) granting an increase of pension to Hannah E. Crowell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32586) granting an increase of pension to Ella F. Bussey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32587) granting an increase of pension to James Kerns; to the Committee on Invalid Pensions.

By Mr. COLE: A bill (H. R. 32588) granting an increase of pension to Sallie A. Palmer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32589) granting an increase of pension to James F. Rowley; to the Committee on Invalid Pensions.

By Mr. COOPER of Wisconsin: A bill (H. R. 32590) granting an increase of pension to James A. McIntosh; to the Committee on Invalid Pensions.

By Mr. DODDS: A bill (H. R. 32591) granting a pension to Frank D. Morse; to the Committee on Invalid Pensions.

By Mr. FERRIS: A bill (H. R. 32592) granting an increase of pension to William B. Doris; to the Committee on Invalid Pensions.

By Mr. GORDON: A bill (H. R. 32593) for the relief of Charles S. Keller; to the Committee on Claims.

By Mr. GREENE: A bill (H. R. 32594) granting a pension to Arthur W. Martin; to the Committee on Pensions.

Also, a bill (H. R. 32595) granting an increase of pension to Charles McCallion; to the Committee on Invalid Pensions.

By Mr. HUGHES of Georgia: A bill (H. R. 32596) granting an increase of pension to Moses R. Leland; to the Committee on Invalid Pensions.

By Mr. KEIFER: A bill (H. R. 32597) granting a pension to Adelaide Lowe Helm; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32598) granting an increase of pension to Henry W. Wisecup; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32599) granting an increase of pension to Edward Welch; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32600) granting an increase of pension to Alonzo E. Fox; to the Committee on Invalid Pensions.

By Mr. KINKEAD of New Jersey: A bill (H. R. 32601) granting pension to Kate B. Meister; to the Committee on Invalid Pensions.

By Mr. KNOWLAND: A bill (H. R. 32602) for the relief of the beneficiaries under the will of John G. Winter, deceased; to the Committee on War Claims.

By Mr. MARTIN of Colorado: A bill (H. R. 32603) granting an increase of pension to Martha H. Cooper; to the Committee on Invalid Pensions.

By Mr. MASSEY: A bill (H. R. 32604) granting an increase of pension to Aaron M. McCown; to the Committee on Invalid Pensions.

By Mr. MORGAN of Missouri: A bill (H. R. 32605) granting a pension to Andrew J. Rice; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32606) granting an increase of pension to Harrison Shoemaker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32607) granting a pension to S. P. Breeden; to the Committee on Invalid Pensions.

By Mr. ROTHERMEL: A bill (H. R. 32608) for the relief of the children and heirs of Elizabeth Haak, Michael Haak, and Sarah Haak, all deceased; to the Committee on War Claims.

By Mr. SHEFFIELD: A bill (H. R. 32609) granting an increase of pension to Margaret O'Reilly; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32610) granting a pension to Sarah W. Wilcox; to the Committee on Pensions.

Also, a bill (H. R. 32611) granting an increase of pension to Rachel Parker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32612) granting an increase of pension to Mrs. Joshua C. Drown; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32613) granting an increase of pension to Sara M. Brown; to the Committee on Invalid Pensions.

By Mr. SULLOWAY: A bill (H. R. 32614) granting an increase of pension to Augustus L. Dyer; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Ohio: A bill (H. R. 32615) granting an increase of pension to Peter Findling; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ANDERSON: Petition of metal polishers of Fremont, Ohio, for enactment of the illiteracy-test immigration law; to the Committee on Immigration and Naturalization.

By Mr. ANSBERRY: Petition of business firms of Van Wert, Ohio, against a parcels-post law; to the Committee on the Post Office and Post Roads.

By Mr. BARTHOLDT: Papers to accompany bill relative to title of the United States to lot 20, square 253, in Washington, D. C.; to the Committee on the District of Columbia.

By Mr. BUTLER: Petition of Rockdale Council, Junior Order of United American Mechanics, of Glen Riddle, Pa., and of Trades

Council of Royersford, Pa., for House bill 15413; to the Committee on Immigration and Naturalization.

Also, petition of Royersford and Spring City Trades Council, against change of method in printing paper money; to the Committee on Expenditures in the Treasury Department.

By Mr. CREAGER: Petition of the Keetowah Society, on behalf of Cherokee Indians under the Cherokee allotment act, July 1, 1902, etc.; to the Committee on Indian Affairs.

By Mr. DRAPER: Petition of Chamber of Commerce and Manufacturers' Club of Buffalo, N. Y., for Canadian reciprocity; to the Committee on Ways and Means.

By Mr. DRISCOLL: Petition of executive committee of the Retail Merchants' Association, favoring reciprocity; to the Committee on Ways and Means.

Also, petition of citizens of New York, for building battleship *New York* in a Government navy yard; to the Committee on Naval Affairs.

By Mr. FOELKER: Petition of Chamber of Commerce of New York and New York Mercantile Exchange, for Canadian reciprocity; to the Committee on Ways and Means.

Also, petition of the Seward Republican Club and Wyckoff Heights taxpayers, of New York, for construction of battleships in Government navy yards; to the Committee on Naval Affairs.

Also, petition of Central Labor Union of Brooklyn, N. Y., for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of Republican Club of New York, against Senate joint resolution 134, amendment to Constitution on senatorial election; to the Committee on the Judiciary.

By Mr. FULLER: Petition of 52 retail merchants of Yorkville, Ill., against a parcels-post law; to the Committee on the Post Office and Post Roads.

Also, petition of the People's National Fire Insurance Co., favoring the Esch phosphorus bill, H. R. 30022; to the Committee on Interstate and Foreign Commerce.

By Mr. HANNA: Petition of citizens on the rural routes in North Dakota, for House bill 26791; to the Committee on the Post Office and Post Roads.

Also, petition of stockholders in the United Wireless Telegraph Co. of New York, for investigation of all wireless telegraph companies; to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of North Dakota, protesting against the parcels-post bill; to the Committee on the Post Office and Post Roads.

By Mr. HEALD: Petitions of Councils No. 9, of Wilmington; No. 6, of Delmar; No. 11, of Townsend; No. 33, of Camden; No. 5, of Wilmington; No. 30, of Dagsboro; No. 1, of Farmington; No. 26, of Smyrna; and No. 20, of Roxana, of Junior Order United American Mechanics; and Camps No. 22, of Grubbs Corner, and No. 20, of Camden, of Patriotic Order Sons of America, all in the State of Delaware, urging upon Congress the enactment of legislation excluding undesirable immigrants; to the Committee on Immigration and Naturalization.

By Mr. HENRY of Connecticut: Petition of Chamberlain Council, No. 2, Junior Order United American Mechanics, of New Britain, Conn., favoring illiteracy test in immigration laws; to the Committee on Immigration and Naturalization.

Also, petition of citizens of Moody, Tex., against a parcels-post law; to the Committee on the Post Office and Post Roads.

By Mr. HOUSTON: Papers to accompany bills for relief of W. H. Jones, William Blackburn, and Henry J. Boles; to the Committee on Invalid Pensions.

By Mr. HOWELL of New Jersey: Petition of Washington Camp No. 98, Patriotic Order Sons of America, of Dunellen, N. J., for H. R. 15413; to the Committee on Immigration and Naturalization.

Also, petition of Metal Trades Council of Newark, N. J., favoring building of battleships in Government navy yards; to the Committee on Naval Affairs.

By Mr. JAMES: Petition of Butler Council, Washington Council, and Cumberland Council, all of the Junior Order United American Mechanics, in the State of Kentucky, for H. R. 15413, restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of citizens of Kentucky, against a parcels-post law; to the Committee on the Post Office and Post Roads.

By Mr. KAHN: Paper to accompany bill for relief of Edward S. Kahan (previously referred to the Committee on Invalid Pensions); to the Committee on Pensions.

By Mr. KENNEDY of Ohio: Petition of Local No. 9, of East Liverpool, Ohio, for H. R. 15413; to the Committee on Immigration and Naturalization.

Also, petition of Kiln Men's Local Union No. 9, for construction of battleships in Government navy yards; to the Committee on Naval Affairs.

By Mr. KNOWLAND: Petition of the Humboldt Chamber of Commerce, of Eureka, Cal., for suitable housing of our diplomats abroad; to the Committee on Foreign Affairs.

Also, resolutions adopted by the Los Angeles Chamber of Commerce, Los Angeles, Cal., urging the passage of House bill 6862, for permanent consular improvement and commercial enlargement; to the Committee on Foreign Affairs.

Also, resolutions passed by the Chamber of Commerce of Los Angeles, Cal., urging the opening of the coal lands in Alaska for public use; to the Committee on the Territories.

By Mr. LAFEAN: Petition of Jacob Jones Council, Junior Order United American Mechanics, of Dover; Washington Camps Nos. 443, 778, 433, and 323, Patriotic Order Sons of America, of Davidsburg, Newberrytown, La Bott, and Hanover, all in the State of Pennsylvania, for House bill 15413, providing for further restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. LANGLEY: Petition of citizens of tenth Kentucky congressional district, against a parcels-post law; to the Committee on the Post Office and Post Roads.

By Mr. LOWDEN: Petition of First Presbyterian Church of Kings, State of Illinois, for House bill 23641, the Miller-Curtis bill; to the Committee on the Judiciary.

By Mr. MCCREDIE: Memorial of the Washington Educational Association, of Tacoma, Wash., favoring an appropriation of \$75,000 for special lines of industrial education; to the Committee on Education.

Also, memorials of Tacoma Chamber of Commerce and the Rotary Club, of Tacoma, Wash., favoring an appropriation of \$50,000 for the improvement and protection of the Rainier National Park; to the Committee on the Public Lands.

Also, petition of Washington Camp, No. 1, Patriotic Order Sons of America, Tacoma, Wash., for House bill 15413; to the Committee on Immigration and Naturalization.

Also, memorial of house and senate of Washington, against any Federal supervision of fisheries within limits of the State; to the Committee on the Merchant Marine and Fisheries.

Also, memorial of house and senate of Washington, for Senate bill 9476, providing for a soldiers' pension of not less than \$50 per month for blindness; to the Committee on Invalid Pensions.

By Mr. MCKINNEY: Petition of Methodist Episcopal Church of Hillsdale and Lima, Ill., favoring the Miller-Curtis bill; to the Committee on the Judiciary.

By Mr. McMORRAN: Petition of Charles Stranahan and other citizens of Michigan, against a parcels-post law; to the Committee on the Post Office and Post Roads.

By Mr. NEEDHAM: Memorial of the Legislature of California, favoring Senate joint resolution No. 9; to the Committee on Irrigation of Arid Lands.

Also, petition of Los Angeles Chamber of Commerce, relative to opening Alaska coal fields; to the Committee on the Territories.

Also, petition of Los Angeles Chamber of Commerce, favoring the Cullom-Sterling consular bill (S. 1053 and H. R. 6862); to the Committee on Foreign Affairs.

By Mr. MOORE of Pennsylvania: Petition of Local 105, Pride of the Valley, Junior Order United American Mechanics, New Kensington, Pa., for further restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. HENRY W. PALMER: Petition of Washington Camp No. 259, Patriotic Order Sons of America, of Drifton, Pa., for House bill 15413; to the Committee on Immigration and Naturalization.

Also, petition of Bert Millard and 52 others, of Luzerne County, Pa., for battleship construction in a Government navy yard; to the Committee on Naval Affairs.

By Mr. A. MITCHELL PALMER: Petitions of Washington Camp No. 498; Wykoff Commandery, No. 39; and Washington Camp, Patriotic Order Sons of America, of Pen Argyl, Easton, and Audenried, all in the State of Pennsylvania; and Ackermanville Council, Saxton Council, No. 591; Annette Council, No. 732; and Local Council No. 973, Junior Order United American Mechanics, of Saxton, Philipsburg, and Penns Park, all in the State of Pennsylvania, for more stringent immigration laws; to the Committee on Immigration and Naturalization.

By Mr. PUJO: Petition of Nicholas Bros., Merryville, and J. J. Kinguey, Kinder, La., against a parcels-post law; to the Committee on the Post Office and Post Roads.

By Mr. SHEFFIELD: Petition of Arthur Perry and five other citizens of Rhode Island, of the Society of Friends, against fortifying the Panama Canal; to the Committee on Railways and Canals.

Also, paper to accompany bill for relief of Betsey A. Streeter and Sophie M. Kinnicut; to the Committee on Invalid Pensions.

By Mr. SMITH of Michigan: Petition of C. R. Halleck, of Brent Creek, Mich., against a rural parcels post; to the Committee on the Post Office and Post Roads.

By Mr. STEVENS of Minnesota: Petition of railway mail clerks of the Northwest, relative to increase of compensation and investigation of conditions and other matters; to the Committee on the Post Office and Post Roads.

By Mr. STURGISS: Petition of the Potomac Valley Council, of Bernie, W. Va., for restricted immigration; to the Committee on Immigration and Naturalization.

By Mr. WANGER: Resolutions of Local Union No. 897, Brotherhood of Carpenters and Joiners of America, located at Norristown, Pa., in behalf of the bill (H. R. 15413) to amend the immigration act; to the Committee on Immigration and Naturalization.

Also, resolution of Branch No. 10, Glass Bottle Blowers' Association of the United States and Canada, of Royersford, Pa., in behalf of House bill 29886; to the Committee on Interstate and Foreign Commerce.

By Mr. WOOD of New Jersey: Petition of Washington Camps Nos. 1, 12, and 7, Patriotic Order Sons of America, of Lambertville, Milford, and Trenton, all in the State of New Jersey, for enactment of House bill 15413; to the Committee on Immigration and Naturalization.

SENATE.

WEDNESDAY, February 8, 1911.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings when, on request of Mr. LODGE and by unanimous consent, the further reading was dispensed with and the Journal was approved.

ENROLLED BILLS SIGNED.

The VICE PRESIDENT announced his signature to the following enrolled bills and joint resolutions, which had previously been signed by the Speaker of the House of Representatives:

S. 1028. An act to appoint Warren C. Beach a captain in the Army and place him on the retired list;
S. 1318. An act for the relief of Arthur H. Barnes;
S. 2429. An act for the relief of the estate of James Mitchell, deceased;

S. 3097. An act for the relief of Douglas C. McDougal;
S. 3494. An act for the relief of Edward Forbes Greene;
S. 3897. An act for the relief of the heirs of Charles F. Atwood and Ziba H. Nickerson;
S. 4780. An act for the relief of the heirs of George A. Armstrong;

S. 5873. An act for the relief of John M. Blankenship;
S. 6386. An act to diminish the expense of proceedings on appeal and writ of error or of certiorari;

S. 6693. An act to amend an act entitled "An act permitting the building of a dam across the Mississippi River at or near the village of Sauk Rapids, Benton County, Minn.," approved February 26, 1904;

S. 7138. An act granting to the town of Wilsoncreek, Wash., certain lands for reservoir purposes;

S. 7901. An act providing for the restoration and retirement of Frederick W. Olcott as a passed assistant surgeon in the Navy;

S. 8353. An act for the relief of S. S. Somerville;
S. 8583. An act for the relief of Malcolm Gillis;

S. 8592. An act to authorize the construction of a bridge across the Missouri River between Lyman County and Brule County, in the State of South Dakota;

S. 10288. An act granting to Herman L. Hartenstein the right to construct a dam across the St. Joseph River near Mottville, St. Joseph County, Mich.;

S. 10324. An act extending the provisions of the act approved March 10, 1908, entitled "An act to authorize A. J. Smith and his associates to erect a dam across the Choctawhatchee River, in Dale County, Ala.;"

S. J. Res. 94. Joint resolution authorizing the President to give certain former cadets of the United States Military Academy the benefit of a recent amendment of the law relative to hazing at that institution; and

S. J. Res. 101. Joint resolution providing for the printing of 2,000 copies of Senate Document No. 357, for use of the Department of State.

LADING AND ENTRY OF VESSELS, ETC.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 6011) to